



JANET T. MILLS
GOVERNOR

STATE OF MAINE
UNEMPLOYMENT INSURANCE COMMISSION
57 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0057

JENNIFER J. DUDDY, ESQ.
CHAIRMAN

JEAN A. ROY
LABOR REPRESENTATIVE

JOSEPH J. KLAUS
EMPLOYER REPRESENTATIVE

OVERPAYMENT WAIVER INFORMATION

You are entitled to request a waiver of your overpayment. If you wish to request a waiver, you must contact the Unemployment Insurance Commission at the above address in writing. Please do not call the Commission to request a waiver. You cannot request a waiver until the decision establishing the overpayment becomes final. A decision becomes final when all appeals have been exhausted or when all appeal rights have expired.

Your letter to the Commission should include all the reasons why you are unable to repay the overpayment. The Commission will send you a form to fill out describing your financial situation. **If you do not fill out this form, the Commission will deny your request.** You can request a hearing from the Commission about your waiver request. Please note: The Commission is not required to grant you a hearing. If you do not request a hearing or if you are not granted a hearing, the Commission will make a decision based on the information in your file.

NOTE: If you have more than one overpayment amount, your request for waiver should include each overpayment amount and the date of the decision that established that overpayment.

The Commission may grant or deny a waiver for the full amount of the overpayment. The Commission may also waive a portion of the overpayment, or require you to repay all or part of the overpayment by deducting up to 50% from any future unemployment checks until the debt is fully repaid. The Commission will grant a waiver if you are without fault in the creation of the overpayment and recovery of the overpayment would defeat the purpose of unemployment benefits or recovery of the overpayment would be against equity and good conscience. Please note: If the overpayment was the result of fraud, you cannot be granted a waiver, and 100% of any future benefits will be deducted until the overpayment is repaid in full.

If the Commission does not grant you a waiver, or if the Commission does not allow you to repay the overpayment through a deduction out of future unemployment benefits, you will have to repay the entire amount of the overpayment. You can pay the amount in full or make payment arrangements with the Department of Labor by calling (207) 621-5100 or by mail at 47D State House Station, Augusta, ME 04333-0047. You will be charged interest on the unpaid balance of your overpayment at 1% per month, starting one year after the overpayment is established. If the overpayment arose because of fraud, you will be charged 1% interest on any unpaid amount on the first of the month immediately following establishment of the overpayment. If you do not repay the overpayment or make payment arrangements, the Department of Labor can issue a civil warrant to collect the debt. In addition, your state income tax refund and lottery winnings can be taken by the Department of Labor to repay the debt.

For a full explanation of the waiver statute, please consult Title 26 M.R.S.A. §1051. This Law may be amended in the future to provide for different collection methods. Section 1051 can be viewed at the following website > > <http://www.mainelegislature.org/legis/statutes/26/title26ch13sec0.html>

PHONE: (207) 623-6786

TTY Users Call Maine Relay 711

FAX: (207) 287-4554

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Maine Department of Labor Web Site: www.Maine.gov/labor