

**SENATE . . . . . No. 1302**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Lydia Edwards*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act to correct non-fault unemployment insurance overpayments.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/26/2025</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>5/15/2025</i>

**SENATE . . . . . No. 1302**

By Ms. Edwards, a petition (accompanied by bill, Senate, No. 1302) of Lydia Edwards for legislation relative to non-fault unemployment insurance overpayments. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1162 OF 2023-2024.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act to correct non-fault unemployment insurance overpayments.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 69 of chapter 151A of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out the first paragraph of subsection (a) and  
3 inserting in place thereof the following:-

4 (a) The department may recover by a civil action any amounts paid to an individual  
5 through error, or, in the discretion of the department, the amount erroneously paid may be  
6 deducted from any future payments of benefits accruing to an individual under the provisions of  
7 this chapter, provided that there has been a final decision as defined in Section 69D, and  
8 provided further that if the department has not determined that the individual was at fault with  
9 respect to such erroneous payment, such deduction shall not exceed ten percent of the  
10 individual’s weekly benefit rate, exclusive of dependency allowances. Any civil action brought

11 pursuant to this subsection shall be commenced within six years from the date of the erroneous  
12 payment, provided that, if the department has not determined that the individual was at fault with  
13 respect to such erroneous payment, any civil action shall be commenced within three years from  
14 the date of the erroneous payment and no deduction shall be made from any future payments of  
15 benefits accruing to the individual more than three years after such erroneous payment was  
16 made.

17 SECTION 2. Section 69 of chapter 151A of the General Laws, as so appearing, is hereby  
18 amended by striking out subsection (b) and inserting in place thereof the following:-

19 (b) The department shall cancel the balance of restitution for an erroneous payment  
20 owed by an individual under this subsection three years after such erroneous payment was made  
21 if, in the judgment of the department, the individual was without fault with respect to such  
22 erroneous payment. The department may cancel any other balance of restitution owed by an  
23 individual under this section if the department finds that such individual is deceased and has left  
24 no estate or that, after five years following notice to the individual that such restitution was  
25 required, the individual has not claimed benefits and cannot be located.

26 SECTION 3. Section 69 of chapter 151A of the General Laws, as so appearing, is hereby  
27 amended by striking out subsection (c) and inserting in place thereof the following:-

28 (c) Waiver of Non-Fault Overpayments:

29 (1) The department shall waive recovery of an overpayment of benefits, including  
30 dependency allowances, paid pursuant to chapter 151A of the General Laws to an individual  
31 who, in the judgment of the department, is without fault.

32           (2) The department shall waive recovery of an overpayment of benefits, including  
33 dependency allowances, paid through the Department of Unemployment Assistance pursuant to  
34 any other state or federal law to the extent permitted by such laws, to an individual who, in the  
35 judgment of the department, is without fault.

36           (3) For any overpayment of benefits which cannot be waived pursuant to subsection  
37 (c)(1) or (c)(2), the department shall waive recovery of the overpayment of benefits, including  
38 dependency allowances, paid pursuant to chapter 151A of the General Laws or through the  
39 Department of Unemployment Assistance pursuant to any other state or federal law to the extent  
40 permitted by such laws, to an individual who, in the judgment of the department, is without fault  
41 and where, in the judgment of the department, such recovery would defeat the purpose of  
42 benefits otherwise authorized or would be against equity and good conscience.

43           As used in this subsection, “against equity and good conscience” includes, but is not  
44 limited to, circumstances in which:

45           (i)     The overpaid claimant, at the time the application for a waiver is filed or while the  
46 department is adjudicating such application, is receiving or eligible for Emergency Assistance to  
47 Elderly, Disabled, and Children (EAEDC) benefits, public assistance under Transitional Aid to  
48 Families with Dependent Children (TAFDC), benefits under the Supplemental Nutritional  
49 Assistance Program (SNAP), Supplemental Security Income (SSI) benefits, or Social Security  
50 Disability Insurance (SSDI) benefits, or Veterans’ Benefits under Chapter 115 of the General  
51 Laws, or has income, after taxes, that is 200 per cent or less of the current poverty threshold  
52 established annually by the Community Services Administration pursuant to section 625 of the  
53 Economic Opportunity Act, as amended.

54           (ii)     The department awarded unemployment benefits and subsequently detected a  
55 nonmonetary issue affecting eligibility for benefits but failed to issue a determination regarding  
56 that issue within 21 days after the department had initially detected the issue.

57           (iii)    The department initially awarded unemployment benefits but reversed the award  
58 in whole or part after an appeal or protest that was filed more than 30 days after the initial award.

59           (iv)     The overpayment is due to the department's suspension of lack of work notices  
60 between the period from March 20, 2020 to June 22, 2020.

61           (v)     The overpaid claimant applied for Pandemic Unemployment Assistance (PUA)  
62 benefits prior to March 23, 2021, when the department provided notification that required PUA  
63 claimants to submit documentation substantiating employment, self-employment, or the planned  
64 commencement of such employment or self-employment, and the individual thereafter failed to  
65 submit such documentation.

66           (vi)    The individual was eligible for payment under an unemployment benefit program  
67 for a given week, but through no fault of the individual, they were instead incorrectly paid under  
68 either the PUA or Pandemic Extended Unemployment Compensation (PEUC) program at a  
69 higher weekly benefit amount.

70           (4) An overpaid claimant shall have the right to file an application for a waiver at any  
71 time after such overpayment is established, including during the pendency of any appeal of the  
72 determination resulting in the establishment of the overpayment pursuant to Sections thirty-nine  
73 to forty-two of this Chapter, inclusive.

74 (5) The department shall provide to overpaid individuals multilingual assistance with the  
75 completion of requests for waivers of recovery of overpayments by telephone and in person in all  
76 locations where it is required to provide in-person assistance.

77 (6) Any person aggrieved by a determination or decision of the department that recovery  
78 of an overpayment not be waived shall have the right to appeal such determination or decision in  
79 accordance with the provisions set forth in sections thirty-nine to forty-two, inclusive.

80 (7) The department shall provide individuals notice of their right to file an application to  
81 waive recovery of an overpayment in simple and plain language and in the individual's primary  
82 language, in accordance with subsection (d) of Section 62A of this Chapter, including but not  
83 limited to when the department establishes the overpayment of benefits, when the determination  
84 resulting in the overpayment becomes final within the meaning of Section 69D of this Chapter,  
85 when the individual files a new claim for benefits from which the department may recover an  
86 overpayment by deducting benefits, and when the department sends the individual any  
87 communication notifying them of their obligation to repay the department or regarding any  
88 collections efforts the department will undertake with respect to such overpayment.

89 (8) With respect to overpayments for which an overpaid claimant has not been  
90 determined to be at fault, the department shall not undertake any recovery efforts until sixty days  
91 after the individual is notified of the right to file an application for a waiver of the overpayment  
92 following the determination resulting in the overpayment becoming final within the meaning of  
93 Section 69D of this Chapter, while a request for a waiver of such overpayment is pending, or  
94 until a decision denying such a request for a waiver becomes final within the meaning of Section  
95 69D; nor shall the department deduct any benefits issued to the overpaid individual in connection

96 with a new claim filed by the individual until sixty days after the individual is notified of their  
97 right to file an application for a waiver of such overpayment following the individual's  
98 commencement of the new claim from which the department may deduct benefits.

99 (9) With respect to overpayments for which an overpaid claimant has not been  
100 determined to be at fault, and to the extent permitted by the treasury offset program of the United  
101 States Department of Treasury, the department shall promptly refund to the claimant any amount  
102 recovered in connection with such overpayment if the department subsequently waives recovery  
103 of such overpayment.

104 SECTION 4. Section 69B of chapter 151A of the General Laws, as so appearing, is  
105 hereby amended by striking the first sentence of the first paragraph, at lines 1 through 9, and  
106 inserting in place thereof the following:-

107 In addition to any other remedy provided by this chapter, the department may request that  
108 the amount payable to the department by an individual resulting from an overpayment of  
109 unemployment benefits which has become final as specified in 430 CMR 6.12 be set off against  
110 any refund owed such individual by the department of revenue only if the department has  
111 determined that the individual was at fault for the overpayment to be set off in a decision which  
112 has become final as specified in section 69D of chapter 151A of the General Laws; provided,  
113 however, that such individual is notified of the intention to request a set off of the amount owed  
114 and the right to apply to the department for a review of such intention.

115 SECTION 5. Section 69B of chapter 151A of the General Laws, as so appearing, is  
116 hereby amended by striking the second paragraph, in lines 25 through 31 and inserting in place  
117 thereof the following:-

118           In addition to any other remedy provided by this chapter, the department may request that  
119 the amount payable to the department by an individual resulting from an overpayment of  
120 unemployment benefits which has become final as specified in 430 CMR 6.12 be set off against  
121 any federal tax refund payment owed such individual by the United States Department of  
122 Treasury in accordance with the requirements of the treasury offset program pursuant to section  
123 14Q only if the department has determined that the individual was at fault for the overpayment to  
124 be set off in a decision which has become final as specified in section 69D of chapter 151A of  
125 the General Laws or if such set off is otherwise required by the treasury offset program.