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| --- | --- | --- | --- |
| **Type of overpayment:** Please select from below | | | |
| Training Funding | Travel While in Training or Job Search | | Reimbursement |
| RTAA | Relocation | | **Other** |
| **Part I. Client Information** | | | |
| Applicant’s Name (Last, First, Middle) | | MOSES ID: | |
| Address (No., Street, City or County, State, ZIP Code) | | Home Telephone # | |
| **Part II. Payment & Waiver Information** | | | |
| **Please check one of the following**:  **A**  Enclosed, please find a bank check or money order for the amount overpaid to me by the MassHire Department of Career Services. Please make checks payable to: Commonwealth of Massachusetts/Trade Programs.    Please forward payments to:  MassHire DCS  19 Staniford Street  Attn: Finance/Cash and Benefits, 2nd. Floor  (Trade Fund Overpayment)  Boston, MA 02114  **B** I would like to request to setup and schedule a payment plan to pay the overpaid amount in installments. Please contact the Trade Unit at [TradePrograms@detma.org](mailto:TradePrograms@detma.org) to set up this method of payment.    **C** I would like to request a waiver of this overpayment with the MassHire Department of Career Services – Trade Unit.  If you choose C, please give an explanation regarding your need for the Waiver and why it should be granted. You must include detailed information that will help in granting this Waiver (e.g. financial hardship, etc.). Please attach additional documentation if desired. **(See attached for Trade Regulations regarding overpayments)**. Please send the justification to [TradePrograms@detma.org](mailto:TradePrograms@detma.org).  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **Client Signature**  **Date**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **Printed Name** | | | |

The MassHire Department of Career Services shall recover any overpayment made to an individual under the Trade act of 1974, as amended, by deduction of the overpayment amount from any benefits payable to such individual if required to do so.

**20 CFR §617.55**

**Overpayments; penalties for fraud.**

*(a) Determination and repayment*. (1) If a State agency or a court of competent jurisdiction determines that any person or individual has received any payment under this part 617 to which the person or individual was not entitled, including a payment referred to in paragraph (b) or paragraph (c) of this section, such person or individual shall be liable to repay such amount to the State agency, and the State agency shall recover any such overpayment in accordance with the provisions of this part 617; except that the State agency may waive the recovery of any such overpayment if the State agency determines, in accordance with the guidelines prescribed in paragraph (a)(2) of this section, that:

(i)The payment was made without fault on the part of such person or individual; and

(ii)Requiring such repayment would be contrary to equity and good conscience.

(2)(i)(A) In determining whether fault exists for purposes of paragraph (a)(1)(i) of this section, the following factors shall be considered:

(1) Whether a material statement or representation was made by the person or individual in connection with the application for TAA that resulted in the overpayment, and whether the person or individual knew or should have known that the statement or representation was inaccurate.

(2)Whether the person or individual failed or caused another to fail to disclose a material fact, in connection with an application for TAA that resulted in overpayment, and whether the person or individual knew or should have known that the fact was material.

(3)Whether the person or individual knew or could have been expected to know, that the person or individual was not entitled to the TAA payment.

(4)Whether, for any other reason, the overpayment resulted directly or indirectly, and partially or totally, from any act or omission of the person or individual or of which the person or individual had knowledge, and which was erroneous or inaccurate or otherwise wrong.

(5)Whether there has been a determination of fraud under paragraph (b) of this section or section 243 of the Act.

(B) An affirmative finding on any one of the factors in paragraphs (a)(2)(i)(A) of this section precludes waiver of overpayment recovery.

(ii)(A) In determining whether equity and good conscience exists for purposes of paragraph (a)(1)(ii) of this section, the following factors shall be considered:

(1) Whether the overpayment was the result of a decision on appeal, whether the State agency had given notice to the person or individual that the case has been appealed and that the person or individual may be required to repay the overpayment in the event of a reversal on appeal, and whether recovery of the overpayment will not cause extraordinary and lasting financial hardship to the person or individual.

(2)Whether recovery of the overpayment will not cause extraordinary financial hardship to the person or individual, and there has been no affirmative finding under paragraph (a)(2)(ii)(A) of this section with respect to such person or individual and such overpayment.

(B) An affirmative finding on either of the foregoing factors in paragraphs (a)(2)(ii)(A) of this section precludes waiver of overpayment recovery.

(C)(1) For the purpose of paragraph (a)(2)(ii) of this section, an extraordinary financial hardship shall exist if recovery of the overpayment would result directly in the person’s or individual’s loss of or inability to obtain minimal necessities of food, medicine, and shelter for a substantial period of time; and an extraordinary and lasting financial hardship shall be extraordinary as described above and may be expected to endure for the foreseeable future.

(2) In applying this test in the case of attempted recovery by repayment, a substantial period of time shall be 30 days, and the foreseeable future shall be at least three months. In applying this test in the case of proposed recoupment from other benefits, a substantial period of time and the foreseeable future shall be the longest potential period of benefit entitlement as seen at the time of the request for a waiver determination. In making these determinations, the State agency shall take into account all potential income of the person or individual and the person’s or individual’s firm, organization, or family and all cash resources available or potentially available to the person or individual and the person’s or individual’s firm, organization, or family in the time period being considered.

(3) Determinations granting or denying waivers of overpayments shall be made only on request for a waiver determination. Such request shall be made on a form which shall be furnished to the person or individual by the State agency. Notices of determination of overpayments shall include an accurate description of the waiver provisions of paragraph (a) of this section, if the State agency has elected to allow waivers of TAA overpayments.

(4) Each State shall have the option to establish a policy as to whether the waiver provisions of this section shall be applied to TAA overpayments. A State’s decision on its own policy shall not be controlled by whether it waives UI overpayments, but the State’s decision shall be published for the information of the public and the Department.

(5)(i) Unless an overpayment is otherwise recovered, or is waived under paragraph (a) of this section, the State agency shall recover the overpayment by deduction from any sums payable to such person or individual under:

(A)This part 617;

(B)Any Federal unemployment compensation law administered by the State agency; or

(C)Any other Federal law administered by the State agency which provides for the payment of unemployment assistance or an allowance with respect to unemployment.

(ii) In addition, a State agency may recover the overpayment from unemployment insurance payable to such person or individual under the State law.

**MDCS Trade Unit, 1st Floor, 19 Staniford Street, Boston, MA 02114 | www.mass.gov/dcs**