

Emergency Regulation change to 430 CMR 6.00

EMERGENCY PREAMBLE

The Director finds that immediate adoption of these regulations is necessary to address the hardship that COVID-19 may cause to workers and employers.

The Director, therefore, also finds that observance of requirements of notice and a public hearing would be contrary to the public interest.

430 CMR 6.16: Special Relief for Pandemic Overpayments

(a) With respect to individuals who were overpaid unemployment benefits through no fault of their own for weeks in 2020 and 2021, including benefits under chapter 151A, Pandemic Unemployment Assistance, Pandemic Emergency Unemployment Compensation, Federal Extended Benefits, Federal Pandemic Unemployment Compensation, Lost Wages Assistance and Mixed Earner Unemployment Compensation, but excluding benefits under Disaster Unemployment Assistance:

the definition of “against equity and good conscience” in 430 CMR 6.03 shall be modified to include the following additional conditions

- (1) where the individual provides documentation satisfactory to the director to demonstrate that he or she is indigent under either provision (a) or provision (b) of the definition established in section 27A of chapter 261 of the General Laws; or
- (2) where the department awarded unemployment benefits and subsequently detected a nonmonetary issue affecting eligibility for benefits but failed to issue a determination regarding that issue within 21 days after the department had initially detected the issue; or
- (3) where the department initially awarded unemployment benefits but reversed the award in whole or part after an appeal or protest that was filed more than 30 days after the initial award; or
- (4) where the state overpayment is due to the suspension of lack of work notices during the period from March 20, 2020 to June 22, 2020; or
- (5) where the individual applied for PUA benefits prior to March 23, 2021, when the department provided notification that required PUA claimants to submit documentation substantiating employment, self-employment, or the planned commencement of employment or self-employment, and the individual thereafter failed to submit such documentation.

(b) Upon application by the claimant the department may grant a waiver of any qualifying overpayment on grounds that recovery would be against equity and good conscience pursuant to the definition provided in 430 CMR 6.16(a).