

**341.413 Unemployment insurance claims filed between January 27, 2020, and December 31, 2020 -- Overpayment of benefits, requests for waiver, timeliness -- Return of overpayments collected to federal government.**

Notwithstanding any state law to the contrary, for unemployment insurance claims filed between January 27, 2020, and December 31, 2020:

- (1) Upon request of the alleged overpayment recipient, the secretary may waive an overpayment of benefits if he or she finds the overpayment:
  - (a) Was made without fault on the part of the recipient; and
  - (b) Recovery would be contrary to equity and good conscience;
- (2)
  - (a) Requests for waiver of overpayment of benefits under subsection (1) of this section shall be made within thirty (30) days after the date the secretary mails to the alleged overpayment recipient the notification of the overpayment determination via first-class United States Mail. The secretary shall resend any notices of overpayment sent prior to March 12, 2021. The new notices shall restart the thirty (30) day period for the alleged overpayment recipient to request repayment waiver.
  - (b) Notice of the secretary's determination shall include information explaining how the alleged overpayment recipient may request a waiver of overpayment and explain how the alleged overpayment recipient may appeal the secretary's final determination by requesting an appeal of the determination pursuant to KRS 341.420.
  - (c) The secretary shall not initiate overpayment recovery until lapse of the thirty (30) day period provided in this subsection.
  - (d) Overpayments collected shall be returned to the federal government if the overpayments were paid from Coronavirus Aid, Relief, and Economic Security (CARES) Act dollars and a waiver was not granted pursuant to subsection (1) of this section.

**Effective:** March 12, 2021

**History:** Created 2021 Ky. Acts ch. 16, sec. 2, effective March 12, 2021.