

CONNECTICUT LABOR DEPARTMENT WAIVER CRITERIA
Conn. Agencies Regs. §31-273-4

- (a) The Administrator shall determine that repayment or recoupment of any benefits found to be overpaid pursuant to Section 31-273-2 would defeat the purpose of the benefits or would be against equity and good conscience and shall be waived only if the individual did not receive such benefits by reason of fraud, willful misrepresentation or willful nondisclosure by the individual or through the agency of another of a material fact, and one of the following conditions exists:
- (1) it has been established by evidence or testimony, presented orally or in writing, that the individual's prospects for securing full-time employment are severely limited as a result of physical or mental disability, poor health or any other circumstances which would be detrimental to the individual's employability; or
 - (2) the benefits were overpaid to the individual as a result of retrospective application of a legislative change; or
 - (3) the benefits were overpaid as a direct result of gross administrative error; or
 - (4) the benefits were overpaid as the result of a decision by an Appeals Referee, the Employment Security Board of Review or any court of law reversing a prior decision, and adequate notice was not given to the individual that the individual would be required to repay benefits in the event of any reversal upon appeal; or
 - (5) it has been established by evidence or testimony, that the individual substantially, detrimentally and irreversibly changed such individual's position in reliance upon the receipt of unemployment compensation by foregoing receipt of any public welfare benefits for which the individual would have been entitled but for the receipt of such unemployment compensation; or
 - (6) the individual -
 - (A) has been overpaid benefits in an amount equal to or greater than two times the individual's weekly benefit amount at the time the overpayment was made; and
 - (B) the individual's annualized family income within the last six months does not exceed one hundred and fifty percent of the poverty level, most recently published in the Federal Register by the United States Department of Commerce, Census Bureau, which corresponds to the size of the individual's family unit; or
 - (7) the individual is deceased; or
 - (8) the benefits were overpaid as a direct result of an employer's failure to respond timely or adequately to a request of the Administrator for information relating to the individual's claim for unemployment compensation benefits in a manner prescribed by the Administrator.
- (b) For the purposes of this section, "gross administrative error" may be found only where it is clear that a reasonable examiner, adjudicator or trier of fact in the same circumstances and presented with the same facts would not have made the same determination or taken the same action, or the Employment Security Division has failed to discharge its responsibilities so as to deprive the individual of substantial due process of law. Reversal or modification of any determination upon appeal shall not, by itself, constitute grounds for finding gross administrative error.

Gross administrative error by the Employment Security Appeals Division may be found only upon a specific finding by the Employment Security Board of Review that an individual was overpaid benefits as a direct result of a decision by the Appeals Division which constitutes gross administrative error as defined above.

Total gross income is determined by adding the gross income received by the individual and his spouse, including cash contributions of other family members during the six months immediately prior to the hearing. This includes unemployment compensation benefits minus those benefits which were overpaid. Annual total gross income is attained by multiplying the six month total by two. Extraordinary medical expenses, which are not covered by a health insurance plan for which the individual is responsible, can be deducted from the annual total.