

# OVERPAYMENTS

## IN GENERAL

This chapter deals with state law provisions identifying, establishing, and collecting overpayments. All states have provisions addressing these matters. A state's law generally differs in the treatment of overpayments where the claimant is not at fault and overpayments due to willful misrepresentation, concealing material facts, or fraud. In addition, the state laws contain provisions for fines and imprisonment for willfully or intentionally misrepresenting or concealing facts which are material to a determination concerning the individual's entitlement to benefits.

## RECOVERY PROVISIONS

All state laws provide for recovering benefits paid to workers who later are found not to be entitled to them. A few states provide that, if the overpayment is without fault on the individual's part, the individual is not liable to repay the amount, but it may, at the discretion of the agency, be deducted from future benefits. Louisiana provides alternative remedies for collection of overpayments by means of assessment and executory procedure. Louisiana, Massachusetts, Michigan and South Carolina permit collection of benefit overpayments from state tax refunds otherwise due the individual. Maine permits, under certain terms and conditions, collection of benefit overpayments from lottery winnings otherwise due the individual. Virginia permits a worker to use a credit card to pay overpayments. Some states limit the period within which recovery may be required--90 days in Tennessee; 5 years in Nevada; 1 year in New Mexico; 2 years in Alaska, Florida, North Dakota, and Washington; 3 years in Indiana, Louisiana, Maryland, Michigan, Nebraska, Ohio, Utah, and Wyoming; 4 years in Arkansas and New Jersey; 5 years in Colorado, Delaware (however overpayments may be written off within 3 years), Idaho, Illinois, Kentucky, Mississippi, South Carolina, and Vermont; 6 years in Alabama, Massachusetts, and Minnesota; and 8 years in Connecticut and Idaho. In Oregon recovery is limited to the existing benefit year and the 52 weeks immediately following. In Oklahoma recovery continues into the next subsequent benefit year that begins within 1 year of the expiration of the current benefit year.

Twelve states<sup>1</sup> provide that the individual is not liable for the amount of the overpayment if recovery would be against equity and good conscience, as long as there is no showing of fraud or intentional misrepresentation or nondisclosure. Thirteen other states<sup>2</sup> provide that recovery may be waived under such conditions. In Minnesota benefits paid through error or fraud may be waived if determined uncollectible due to death or bankruptcy or overpayments. In Virginia benefit overpayments of \$5 or less may be suspended from recovery. Colorado may write off a nonfraud overpayment after five years but is not required to do so; fraud overpayments may be, but are not required to be, written off after seven years.

In many states the recovery of benefits paid as a result of fraud on the part of the recipient is made under the general recovery provision. More than half the states<sup>3</sup> have a provision that applies specifically to benefit payments received as the result of fraudulent misrepresentation. All but a few states provide alternative methods for recovery of benefits fraudulently received; the recipient may be required to repay the amounts in cash or to have them offset against future benefits payable. New York provides that a worker shall refund all moneys received because of

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<sup>1</sup> AK, AZ, AR, CA, FL, HI, MT, NE, NV, RI, TN, and WY

<sup>2</sup> AL, CO, IL, KS, LA, ME, MA, MI, NC, ND, SD, UT, and WA

<sup>3</sup> AZ, AR, CA., CO, DE, DC, FL, GA, HI, IN, LA, ME, MA, MI, MN, MO, NE, NV, NH, NY, OH, OK, OR, PR, UT, VT, WA, WI, and WY

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misrepresentation; and Alabama, for withholding future benefits until the amount due is offset. In Massachusetts, Minnesota, Oregon, Texas, Vermont, and Wisconsin the commission may, by civil action, recover any benefits obtained through misrepresentation. Delaware, Georgia, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Montana, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, and Washington charge interest on fraudulently obtained benefits. Also, in Arizona through regulation interest is computed monthly on all outstanding UI overpayments with certain exceptions. In Colorado, Georgia and Wyoming a penalty is assessed and also in Louisiana if legal collection efforts are pursued. Federal law prohibits the accrued interest from being offset against future benefits.

## CRIMINAL PENALTIES

Ten state laws (Alaska, Georgia, Hawaii, Maryland, Minnesota, North Carolina, North Dakota, Tennessee, Utah, and Virginia) provide that any fraudulent misrepresentation or nondisclosure to obtain, increase, reduce, or defeat benefit payments is a misdemeanor, or felony in Minnesota, punishable according to the state criminal law. Under the Kansas law, anyone making a false statement or failing to disclose a material fact in order to obtain or increase benefits is guilty of theft and punishable under the general criminal statutes. These states (excluding Alaska) have no specific penalties in their unemployment laws with respect to fraud in connection with a claim. In Alaska and Colorado, the UI law provides for a penalty of 50 percent of fraudulently received benefits; however, this penalty may be waived (Colorado denies four weeks for every week of fraudulently received benefits). These states therefore rely on the general provisions of the state criminal code for the penalty to be assessed in the case of fraud.

Fraudulent misrepresentation or nondisclosure to obtain or increase benefits is a felony under the Idaho and Florida laws, and aggravated unlawful appropriation under the Puerto Rico law. The other states include in the law a provision for a fine (maximum \$20 to \$2,000) or imprisonment (maximum 30 days to 1 year), or both (for additional information, see the following table). In a few states the penalty on the employer is greater, in some cases considerably greater, than that applicable to the worker. Usually the same penalty applies if the employer knowingly makes a false statement or fails to disclose a material fact to avoid becoming or remaining subject to the act or to avoid or reduce contributions. New Jersey imposes a fine of \$250 to \$1,000 if an employer files a fraudulent contribution report, and imposes the same fine if an employer aids or abets a worker in obtaining more benefits than those to which the worker is entitled. A few states provide no specific penalty for fraudulent misrepresentation or nondisclosure; in these states the general penalty is applicable (See footnote 4 in the following). The most frequent fines on workers range from \$20-\$50, and for employers, \$20-\$200.

<b>PENALTIES FOR FRAUDULENT MISREPRESENTATION</b>				
<b>Fine or Imprisonment or Both in Amounts and Periods Specified</b>				
	To obtain or increase benefits		To prevent or reduce benefits	
State	Fine <sup>2/</sup> (dollars)	Max. imprisonment (days unless otherwise specified)	Fine <sup>2/</sup> (dollars)	Max. imprisonment (days unless otherwise specified)
AL	50 - 500	1 year	50 - 500 <sup>4/</sup>	1 year <sup>4/</sup>
AK	<sup>5/</sup>	<sup>5/</sup>	<sup>5/</sup>	<sup>5/</sup>
AZ	25 - 200	60	25 - 200	60
AR	20 - 50	30	20 - 200	60
CA	Provides for a penalty of 1 yr. in a county jail or state prison or a fine of no more than \$20,000 or both at the discretion of the court. In addition, any individual who makes any false or fraudulent statement or supplies any false or fraudulent information is guilty of a misdemeanor, and upon conviction, shall be fined up to \$1,000, or imprisonment up to 1 year, or both. Up to 5 yrs. in state prison or 6 months to 2-1/2 yrs. in jail			
CO	25 - 1,000	6 mos.	25 - 1,000	6 mos.
CT	Class A misdemeanor if the amount in question is \$500 or less; Class D felony if the amount involved is more than \$500.			

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State	Fine <u>2</u> / (dollars)	Max. imprisonment (days unless otherwise specified)	Fine <u>2</u> / (dollars)	Max. imprisonment (days unless otherwise specified)
DE	20 - 50	60	20 - 200	60
DC	100	60	1000	6 mos.
FL	<u>6</u> /	<u>6</u> /	<u>6</u> /	<u>6</u> /
GA	<u>5</u> /	<u>5</u> /	<u>5</u> /	<u>5</u> /
HI	Misdemeanor if the amount in question is less than \$300; Class C felony if amount in question is \$300 or more.		20 - 200	60
ID	<u>6</u> /	<u>6</u> /	<u>5</u> /	<u>5</u> /
IL	5 - 200	6 mos.	5 - 200	6 mos.
IN	20 - 500	6 mos.	20 - 100	60
IA	Fraudulent practice.			
KS	Theft of \$500 or less is a misdemeanor; theft of more than \$500 is a felony. Both carry a fine and/or imprisonment depending on amount involved and prior convictions.		20 - 200	60
KY	10 - 50	30	10 - 50	30
LA	50 - 1,000	30 - 90	50 - 1,000	30 - 90
ME	Class D crime			
MD	1,000	90	1,000	90
MA	1,000 - 10,000; workers who file claims using false identification or misrepresent their identity will be punished by a fine of \$100-\$1,000 or imprisonment of 6 months, or both.			
MI	Recovery of the fraudulent amount is less than \$1,000 and damages equal to 2 x that amount; if \$1,000 or more than amount recovered plus damages equal to 3 x that amount. In addition the prosecuting attorney may seek penalties of imprisonment (1-2 yrs.) or community service (1-2 yrs.) or both depending on the fraudulent amount.			
MN	Theft	Theft	<u>6</u> /	<u>6</u> /
MS	100 - 500	30	100 - 1000	60
MO	50 - 1,000	6 mos.	50 - 1,000	6 mos.
MT	1,000	6 mos.	50 - 500	3 - 30
NE	<u>5</u> /	<u>5</u> /	<u>5</u> /	<u>5</u> /
NV	50 - 500	6 mos.	50 - 500	6 mos.
NH	<u>6</u> /	<u>6</u> /	Class A felony if the amount of contributions involved is \$1,000 or more; class B felony if the amount of contributions involved exceeds \$500 or less than \$1,000; or class a misdemeanor in all other cases; also a penalty of \$100-\$500 may be imposed at the discretion of the commissioner.	
NJ	Greater of \$20 or 25 percent of amount received fraudulently.		100	
NM	100	30	100	30
NY	500	1 yr.	500	1 yr.

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State	Fine <u>2/</u> (dollars)	Max. imprisonment (days unless otherwise specified)	Fine <u>2/</u> (dollars)	Max. imprisonment (days unless otherwise specified)
NC	<u>5/</u>	<u>5/</u>	<u>5/</u>	<u>5/</u>
ND	<u>5/</u>	<u>5/</u>	<u>5/</u>	<u>5/</u>
OH	500	6 mos.	500 <u>4/</u>	
OK	50 - 500 <u>5/</u>	90	50 - 500	90
OR	100 - 500	90	100 - 500	90
PA <u>1/</u>	100 - 1,000	30	100 - 1,500	30
PR <u>1/</u>	Penalty prescribed in Penal Code for aggravated unlawful appropriation, provided the disqualification for misrepresentation is imposed.		1,000	1 yr.
RI	<u>5/</u>	<u>5/</u>	<u>4/5/</u>	<u>5/</u>
SC	20 - 100	30	20 - 100	30
SD	<u>3/</u>	<u>3/</u>	20 - 200	60
TN	<u>5/</u>	<u>5/</u>	<u>6/</u>	<u>6/</u>
TX	<u>5/</u>	<u>5/</u>	<u>5/</u>	<u>5/</u>
UT	<u>5/</u>	<u>5/</u>	<u>5/</u>	<u>5/</u>
VT	50	30	50 <u>4/</u>	30 <u>4/</u>
VA	<u>5/</u>	<u>5/</u>	<u>5/</u>	<u>5/</u>
VI	25 - 200	60	25 - 200	60
WA	20 - 250	90	20 - 250	90
WV	100 - 1,000	30	<u>4/</u>	<u>4/</u>
WI	100 - 500	90	100 - 500	90
WY	750 <u>6/</u>	90 <u>6/</u>	750 <u>6/</u>	90 <u>6/</u>

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	To obtain or increase benefits		To prevent or reduce benefits	
State	Fine <sup>2/</sup> (dollars)	Max. imprisonment (days unless otherwise specified)	Fine <sup>2/</sup> (dollars)	Max. imprisonment (days unless otherwise specified)
<p><sup>1/</sup> In States footnoted, law does not require both fine and imprisonment, except <u>PA</u> to obtain or increase benefits; and <u>PR</u> to obtain or increase benefits, and to prevent or reduce benefits.</p> <p><sup>2/</sup> Where only 1 figure is given, no minimum penalty is indicated; law says “not more than” amounts specified.</p> <p><sup>3/</sup> <u>SD</u> Class I misdemeanor if amount is \$200 or less; Class 6 felony if amount is more than \$200.</p> <p><sup>4/</sup> General penalty for violation of any provisions of law; no specific penalty for misrepresentation to prevent or reduce benefits and, in <u>VT</u>, to obtain or increase benefits. In <u>OH</u>, penalty for each subsequent offense, \$25-1,000.</p> <p><sup>5/</sup> Misdemeanor. Class I misdemeanor, <u>VA</u>; Class III misdemeanor, <u>NE</u>; Class A misdemeanor, <u>TX</u>; Class B misdemeanor if the value of the amount of money obtained or sought to be obtained is less than \$300, Class A misdemeanor if the money is \$300-\$1,000, 3<sup>rd</sup> degree felony if value of the money is \$1,000 - \$5,000, or a 2<sup>nd</sup> degree felony if the value of money exceeds \$5,000, <u>UT</u>. Misdemeanor and in criminal proceedings a fine and/or penalty the greater of an amount not to exceed \$1,000, or double the value of the fraud, or imprisonment up to 1 year, or both, <u>RI</u>.</p> <p><sup>6/</sup> Felony. Felony if the payment exceeds \$500, <u>MN</u>; Class E felony, <u>TN</u>; felony if amount of benefit obtained is \$500 or more punishable by a fine of \$5,000, imprisonment for not more than 5 yrs., or both, <u>WY</u>. Class A felony if the benefits received is \$1,000 or more, Class B felony if the amount exceeds \$500 but less than \$1,000, and Class A misdemeanor in all other cases, <u>NH</u>.</p>				

### DISQUALIFICATION FOR MISREPRESENTATION

The provisions for disqualification for fraudulent misrepresentation follow no general pattern. In nine states<sup>4</sup> there is a more severe disqualification when the fraudulent act results in payment of benefits; in California, New Hampshire, Oregon, Pennsylvania and Virginia, when the worker is convicted.

In California any worker convicted of misrepresentation under the penalty provisions is disqualified for 1 year. In Rhode Island and Wyoming there is no disqualification unless the worker has been convicted of fraud by a court of competent jurisdiction. On the other hand, in Hawaii, Puerto Rico, Vermont and the Virgin Islands a worker is not subject to the administrative disqualification if penal procedures have been undertaken; in Massachusetts, administrative disqualification precludes initiation of penal procedures.

Seventeen states include a statutory limitation on the period within which a disqualification for fraudulent misrepresentation may be imposed (See footnote 3 in the following table). The length of the period is usually 2 years and, in six states, the period runs from the date of the offense to the filing of a claim for benefits. In these states the disqualification can be imposed only if the individual files a claim for benefits within 2 years after the date of the fraudulent act. In Connecticut the disqualification may be imposed if a claim is filed within 6 years after the benefit year in which the offense occurred. In four states the disqualification may be imposed only if the determination of fraud is made within 2 or 4 years after the date of the offense.

In many states the disqualification is, as would be expected, more severe than the ordinary disqualification provisions. In 17 states the disqualification is for at least a year; in others it may last longer. The provisions are difficult to compare because some disqualifications start with the date of the fraudulent act, while others begin with the discovery of the act, the determination of fraud, the date on which the individual is notified to repay the sum so received, or conviction by a court; some begin with the filing of a first claim, while others are for weeks that would

<sup>4</sup> ID, KY, LA, ME, MD, MI, OH, UT, and VT

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otherwise be compensable. The disqualification provisions are, moreover, complicated by tie-in with recoupment provisions and by retroactive imposition.

As the following table shows, the cancellation of wage credits in many states means the denial of benefits for the current benefit year or longer. A disqualification for a year means that wage credits will have expired, in whole or in part, depending on the end of the benefit year and the amount of wage credits accumulated for another benefit year before the fraudulent act, so that future benefits are reduced as if there had been a provision for cancellation. In other states with discretionary provisions or shorter disqualification periods, the same result will occur for some workers. Altogether, misrepresentation involves cancellation or reduction of benefit rights in 34 states and may involve reduction of benefit rights for individual workers in 15 more states. The disqualification for fraudulent misrepresentation usually expires after a second benefit year, but in California it may be imposed within 3 years after the determination is mailed or served; in Ohio, within 4 years after a finding of fraud; and in Arkansas and Washington, within 2 years of such finding. In 10 states<sup>5</sup> the agency may deny benefits until the benefits obtained through fraud are repaid. In Virginia the denial is limited to 5 years. In Minnesota, if benefits fraudulently obtained are not repaid promptly, such amounts are deducted from future benefits in the current or any subsequent benefit year. In Colorado, benefits are denied if a worker's court trial for commission of a fraudulent act is prevented by the inability of the court to establish its jurisdiction over the individual. Such ineligibility begins with the discovery of the fraudulent act and continues until such time as the individual makes himself available to the court for trial. In Maryland the time limit for repayment is 5 years following the date of the offense, or 1 year after the year disqualification period, whichever occurs later. After this period a worker may qualify for benefits against which any part of the repayment due may be offset. In Louisiana repayment is limited to the 5-year period following a determination of fraud - a period which may be lengthened under specified circumstances.

DISQUALIFICATION FOR FRAUDULENT MISREPRESENTATION		
State	Duration of disqualification 1/	Benefits reduced or canceled
AL		4 x WBA to max. benefit amt payable in BY. 2/
AK	W + 6 - 52	4/
AZ	1 - 52 weeks 1/3/	4/
AR	W + 10, must have earnings equal or greater than WBA in each of the 10 weeks 1/	50% of remaining entitlement
CA	If convicted, 52 weeks 1/3/7	4/
CO	8/	8/
CT	2 - 39 weeks for which otherwise eligible 1/3/	Mandatory equal reduction
DE	W + 51	X 9/
DC	All or part of remainder of BY and for 1yr. commencing with the end of such BY 2/	X 9/
FL	1 - 52 weeks 1/	4/
GA	Remainder of current quarter and next 4 quarters 3/13/	Mandatory equal reduction 3/
HI	24 months 1/3/	9/
ID	W + 52 1/; amounts fraudulently received must be repaid or deducted from future benefits 3/	X 9/
IL	W + 6 weeks 1/5/	4/
IN	Up to current BY + 6/	All wage credits prior to act canceled

<sup>5</sup> ID, IL, KY, LA, MI, NH, OR, UT, VA, and VT

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DISQUALIFICATION FOR FRAUDULENT MISREPRESENTATION		
State	Duration of disqualification <u>1/</u>	Benefits reduced or canceled
IA	Up to current BY <u>1/</u>	Mandatory equal reduction
KS	1 yr. after act committed or 1 <sup>st</sup> day following last week for which benefits were paid, whichever is later	X <u>9/</u>
KY	W + up to 52 weeks; if fraudulent benefits received, until such amounts are repaid or 10 yrs. <u>1/</u>	<u>4/</u>
LA	W + 52; if fraudulent benefits received, until such amounts are repaid <u>1/</u>	X <u>9/</u>
ME	6 months - 1 yr. <u>1/</u>	
MD	1 yr., and until benefits, with interest, repaid <u>1/3/</u>	X <u>9/</u>
MA	No provision – applies fines	25% of WBA.
MI	Current BY and until such amounts are repaid or withheld <u>1/3/</u>	All or part of wage credits canceled.
MN		<u>4/</u>
MS	W + up to 52 weeks <u>1/</u>	X
MO	Up to current BY + <u>6/</u>	All or part of wage credits prior to act canceled
MT	1 - 52 weeks and until benefits repaid <u>1/</u>	
NE	Up to current BY + <u>6/</u>	All or part of wage credits prior to act canceled
NV	W + 1 - 52	X <u>9/</u>
NH	4 - 52 weeks; if convicted 1 yr. after conviction; and until benefits repaid or withheld <u>1/2/</u>	Mandatory equal reduction
NJ	1 year <u>1/</u>	<u>4/</u>
NM	Not more than 52 weeks <u>1/</u>	X <u>9/</u>
NY	4 - 80 days for which otherwise eligible <u>1/3/</u>	Mandatory equal reduction
NC	52 weeks <u>1/</u>	X <u>9/</u>
ND	W + 51	X <u>9/</u>
OH	Duration of unemployment + 6 weeks in covered work	X <u>12/</u>
OK	W + 51 <u>1/3/</u>	BP or BY may not be established during period
OR	Up to 26 weeks; if convicted, until benefits repaid or withheld <u>1/3/</u>	If convicted, all wage credits prior to conviction canceled <u>6/</u>
PA	2 weeks plus 1 week for each week of fraud or, if convicted of illegal receipt of benefits, 1 year after conviction <u>2/3/11/</u>	X <u>9/</u>
PR	W + 51 Provided that criminal procedures have not been filed against claimant. <u>1/3/</u>	
RI	If convicted 1 year after conviction	X <u>9/</u>
SC	W + 10 - 52 <u>1/</u>	<u>4/</u>
SD	1 - 52 weeks <u>1/</u>	<u>4/</u>
TN	W + 4 - 52 <u>1/</u>	<u>4/</u>
TX	Current BY	Benefits or remainder of BY canceled
UT	W + 13 - 49; and until benefits received fraudulently are repaid <u>15/</u>	X <u>9/</u>

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DISQUALIFICATION FOR FRAUDULENT MISREPRESENTATION		
State	Duration of disqualification <sup>1/</sup>	Benefits reduced or canceled
VT	If not prosecuted, until amount of fraudulent benefits are repaid or withheld +1-26 weeks <sup>1/3/</sup>	<u>4/</u>
VA	W + 52 and until benefits repaid; if convicted, 1 year after conviction <sup>1/3/</sup>	<u>4/</u>
VI	W + 51 <sup>1/3/</sup>	X <u>4/</u>
WA	Week. of fraudulent act + 26 weeks following filing of 1 <sup>st</sup> claim after determination of fraud <sup>3/</sup>	X <u>9/</u>
WV	W + 52 weeks <sup>1/</sup>	
WI	Each week of fraud	1 -4 x WBA <sup>2/14/</sup>
WY	<u>W + 52 weeks</u>	<u>4/</u>

<sup>1/</sup> W means wk. in which act occurs plus the indicated number of consec. wks. following: Period of disqualification is measured from date of determination of fraud, HI, ID, IL, IA, LA, MD, MT, NH, NM, OK, PR, SC, VA, and WV; mailing date of determination, ME and NC; date of redetermination of fraud, VT; date of claim or registration for work, AZ; wk. determination is mailed or served, or any subsequent wk. for which individual is first otherwise eligible for benefits; or if convicted, wk. in which criminal complaint is filed, CA; waiting or compensable wk. after its discovery, CT, FL, NY, SD, and TN; as determined by agency, MI, and OR; date of discovery of fraud, KY, MI, and NJ; waiting or compensable wk. after determination mailed or delivered, AR; wk. determination mailed or delivered, VI.

<sup>2/</sup> Provision applicable at discretion of agency.

<sup>3/</sup> Provision applicable only if claim filed 2 yrs. after offense, AZ, HI, NY, OK, PR, and VI; within 2 yrs. following determination of fraud, PA, and WA; if claim filed within 3 yrs. following date determination was mailed or served, CA; if determination of fraud is made within 3 yrs. after offense, MD, and VA; 3 yrs. after date of decision, OR, and VT; if determination of fraud is made within 4 yrs. after offense, GA; if claim is filed within 6 yrs. after BY during which offense occurred, CT and MI; within 8 years from final determination establishing liability to repay, ID. However, in OR, overpayments shall not be canceled within 3 yrs. if the debt is being recovered by payments or deductions which were received within the last 3 months nor if repayment of the overpayment is required because of a fraud conviction.

<sup>4/</sup> Before disqualification period ends, wage credits may have expired in whole or in part depending on disqualification imposed and/or end of BY.

<sup>5/</sup> Plus 2 additional wks. of disqualification for each subsequent offense.

<sup>6/</sup> Cancellation of all wage credits means that period of disqualification will extend into 2nd BY, depending on amount of wage credits for such a yr. accumulated before fraudulent claim

<sup>7/</sup> Disqualification may be served concurrently with a disqualification imposed for any of the 3 major causes if individual registers for work for such wk. as required under latter disqualifications; also disqualification is 2-15 wks. if not paid benefits or 5-15 wks. if benefits received.

<sup>8/</sup> See sec. 455.03 for explanation of period of disqualification.

<sup>9/</sup> Before disqualification period ends, wage credits will have expired in whole or in part, depending on end of BY.

<sup>11/</sup> And until benefits withheld or repaid if finding of fault on the part of the claimant has been made, PA.

<sup>12/</sup> And earnings of 3 x the AWW or \$360, whichever is less. In addition, claims shall be rejected within 4 yrs. and benefits denied for 2 wks. for each weekly claim canceled.

<sup>13/</sup> If a false representation or failure to disclose a material fact is made more than once in a BY, or if benefits received exceed \$4,000 the individual shall upon conviction be guilty of a felony and upon conviction shall be punished by imprisonment of 1 to 5 yrs. These penalties also apply to fictitious employers who receive benefits to which not entitled, GA.

<sup>14/</sup> Compensable wks. within 6-yr. period following date of determination of fraud for concealing earnings or refusal of job offer.

<sup>15/</sup> 13 wks. for first wk. of fraud +6 wks. for each additional wk. No benefits shall be paid until overpayment repaid and as a civil penalty an amount equal to the benefits fraudulently received.