

1 **CHAPTER 815. UNEMPLOYMENT INSURANCE**

2
3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**
6

7 The Texas Workforce Commission (TWC) adopts the following new sections to Chapter 815,
8 relating to Unemployment Insurance:

- 9
10 Subchapter A. General Provisions, §815.4
11 Subchapter F. Extended Benefits, §815.175
12

13 TWC adopts amendments to the following sections of Chapter 815, relating to Unemployment
14 Insurance:

- 15
16 Subchapter G. CARES Act Provisions, §§815.180 - 815.185
17

18 New §815.4 and §815.175 and the amendments to §§815.180 - 815.185 are adopted *without*
19 *changes* to the proposed text, as published in the May 7, 2021, issue of the *Texas Register* (46
20 TexReg 3007).
21

22 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

23 The purpose of the Chapter 815 rule change is in accordance with:

- 24 --the Families First Coronavirus Response Act (FFCRA), Public Law (P.L.) 116 - 127, which
25 contained Division D, the Emergency Unemployment Insurance Stabilization and Access Act of
26 2020 (EUISSA), enacted March 18, 2020;
27 --the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116 - 136, enacted
28 March 27, 2020;
29 --the Consolidated Appropriations Act, 2021, P.L. 116 - 260, enacted December 27, 2020, which
30 contained the Continued Assistance for Unemployed Workers Act of 2020 (Continued
31 Assistance Act or CAA);
32 --the American Rescue Plan Act of 2021 (ARPA), P.L. 117 - 2, enacted March 11, 2021, which
33 contained Title IX, Subtitle A, Crisis Support for Unemployed Workers Part 1, Extension of
34 CARES Act Unemployment Provisions and Part 2, Extension of FFCRA Unemployment
35 Provisions; and
36 --Texas Labor Code, §209.025.
37

38 FFCRA provided states with emergency funding grants for the administration of their
39 unemployment compensation (UC) programs to assist states with the unprecedented claim
40 volumes associated with COVID-19. Along with these grants, FFCRA also provided for full
41 federal funding for state Extended Benefits (EB).
42

43 The CARES Act provided for new entitlement programs including Federal Pandemic
44 Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation
45 (PEUC), Federally Reimbursed Waiting Week (FRWW), and Pandemic Unemployment
46 Assistance (PUA).

1
2 The CAA amended the CARES Act in multiple ways, including allowing states the option to
3 waive PUA overpayments, providing for the creation of a new Mixed Earner Unemployment
4 Compensation (MEUC) program, and adding new requirements concerning the coordination of
5 programs.

6
7 ARPA provided for an extension of CARES Act and CAA programs.

8 9 New Options and Authority

10
11 In terms of new options and authority included in the CAA, §201(d) of the CAA modified
12 §2102(d) the CARES Act to include an option for states to waive PUA overpayments if certain
13 requirements are met. Previously, each CARES Act program contained a provision for the
14 waiver of overpayments with the exception of PUA. TWC operationalized these requirements
15 through administrative rulemaking in §815.12 and §815.183.

16
17 To take advantage of the optional waiver authority, TWC amends Chapter 815, Subchapter G, to
18 incorporate the authority to waive certain PUA overpayments. As the statutory requirements for
19 PUA waivers in the CAA are the same as those for the CARES Act program waivers, TWC
20 similarly plans to operationalize these waivers through §815.12 and §815.183.

21
22 Section 261 of the CAA added the MEUC program to §2104 of the CARES Act. MEUC
23 operates similarly to another CARES Act program, FPUC, in that it is an additional payment to a
24 claimant who is eligible for at least one dollar of underlying benefit.

25
26 However, there are differences between MEUC and FPUC. To receive MEUC, a claimant must
27 apply for MEUC and be found eligible before MEUC payments may begin. MEUC provides
28 \$100 each week, in addition to FPUC, to certain claimants who meet monetary eligibility
29 requirements. Additionally, MEUC is not payable to claimants receiving PUA.

30
31 TWC has elected to operate the MEUC program and therefore amends Chapter 815, Subchapter
32 G to include MEUC.

33 34 Coordination of Programs

35
36 Current §815.181 addresses the coordination of CARES Act programs. Section 206 of the CAA
37 modified the program coordination provisions in §2107 of the CARES Act. As a result, TWC
38 amends §815.181 to reflect these new requirements.

39
40 First, under certain circumstances, a claimant who is collecting PEUC and becomes eligible for a
41 new benefit year of regular UC may be able to continue collecting PEUC instead of filing the
42 new regular UC claim as is normally required under coordination rules. As authorized by the
43 CAA and extended by ARPA, a claimant may be eligible to receive PEUC instead of regular UC
44 if all of the following four criteria are met:

45
46 --I: The individual has been determined to be entitled to PEUC with respect to a benefit year;

1 --II: The benefit year with respect to which the PEUC entitlement had been established (that is,
2 the parent claim) has expired after the date of the CAA enactment;
3 --III: The individual has remaining entitlement to PEUC with respect to such benefit year; and
4 --IV: The individual would qualify for regular UC in a subsequent (new) benefit year and the
5 weekly benefit amount for regular UC in the new benefit year would be at least \$25 less than the
6 weekly benefit amount payable on the individual's PEUC claim.

7
8 The CAA provided states with four options for choosing how to coordinate PEUC with regular
9 UC under the new provision. TWC has determined that State Option One is best suited for
10 operationalization in Texas. State Option One provides for establishing a new benefit year for the
11 claimant but deferring payment of the new regular UC claim until the PEUC claim has been
12 exhausted. TWC chose this option previously when a similar amendment was made to the
13 Emergency Unemployment Compensation provisions of 2008 during the Great Recession.

14
15 Additionally, both the CAA and ARPA provided extensions of the PEUC program. Both
16 extensions contained a requirement that a claimant who was collecting EB at the time the
17 additional PEUC amount became available, stay on EB rather than transition back to PEUC.
18 Instead, the individual must exhaust the existing EB entitlement before reverting to PEUC. This
19 applies to the weeks in which the CAA and ARPA were passed.

20
21 Furthermore, both the CAA and ARPA also provided a state option that a claimant's eligibility
22 for EB be considered to include any week that begins after the individual exhausts all rights to
23 PEUC and that falls during an EB period that began after the date the individual exhausted all
24 rights to PEUC. This applies even if the individual's benefit year has expired, provided the state
25 is in an EB period as of the date the individual exhausts PEUC. As noted below, Texas Labor
26 Code, §209.025 provides TWC with the authority to maximize the receipt of any fully funded
27 federal extended unemployment benefits. TWC is exercising this option and including it in
28 §815.181.

29
30 Finally, TWC has added that in operationalizing these requirements, TWC may further amend
31 the dates in §815.181 in response to federal statute or regulation. This will allow TWC to quickly
32 respond to any subsequent changes to federal statutes or regulations amending the dates relating
33 to the coordination of these programs.

34 35 Additional Provisions

36
37 Texas Labor Code, §209.025 provides that "Notwithstanding any other provision of this
38 subchapter, the Commission by rule may adjust the extended benefit eligibility period as
39 necessary to maximize the receipt of any fully funded federal extended unemployment benefits,
40 if full federal funding for those benefits is available."

41
42 Section 266 of the CAA also provided a state option to disregard the requirement of
43 §203(b)(1)(B) of the Federal-State Extended Unemployment Compensation Act of 1970 (26
44 USC §3304 note) that "no extended benefit period may begin before the fourteenth week after
45 the close of a prior extended benefit period with respect to such State." Currently, this flexibility
46 applies between November 1, 2020, and December 31, 2021.

1
2 To ensure that TWC maximizes the federal funding, TWC proposes the flexibility provided by
3 §266 of the CAA with a retroactive provision and generally applicable language should this
4 flexibility be extended into the future. This rule also accounts for possible future situations where
5 the fourteen-week period is reduced, but not eliminated. This provision is applicable to the
6 Insured Unemployment Rate and the Total Unemployment Rate triggers.

7
8 Section 815.185(a) is amended to account for situations in which additional changes in law or
9 their interpretations conflict with the rule concerning the 15 percent fraud penalty found in
10 §214.003 of the Texas Unemployment Compensation Act (Act). Initially, the US Department of
11 Labor (DOL) advised that states may not impose additional fraud penalties beyond those
12 provided for in the CARES Act to overpayments for these programs.¹

13
14 In Unemployment Insurance Program Letter (UIPL) No. 16-20, Change 4, issued January 8,
15 2021, DOL determines that a 15 percent fraud penalty does apply to PUA under §251 of the
16 Trade Adjustment Assistance Extension Act of 2011 (TAAEA). As a result, PUA was removed
17 from the 15 percent fraud penalty exception in §815.185(a) of the proposed rules to prevent a
18 conflict with the statute.

19
20 Subsequent to TWC's three-member Commission's approval to publish the Chapter 815 proposed
21 rules in the *Texas Register*, and two days prior to the publication of the *Texas Register*, DOL
22 issued UIPL No. 20-21 on May 5, 2021. UIPL No. 20-21 established that states must apply a
23 minimum 15 percent monetary penalty, such as that found in §214.003 of the Act, to a fraudulent
24 payment under each federal UC program, including those covered by the CARES Act. These
25 federal UC programs include any federal temporary extension of UC and any federal program
26 that increases the weekly amount of UC payable to individuals.

27
28 Therefore, so as not to conflict with TAAEA, §251, TWC will operationalize §815.185(a) by
29 assessing the 15 percent penalty that is applicable to a payment of FPUC, FRWW, MEUC,
30 PEUC, and/or PUA. To ensure conformity, TWC will continue to monitor statutes and
31 regulations and their interpretive rules as they pertain to §815.185(a).

32
33 Finally, §815.184 is amended with respect to how CARES Act programs benefits will be offset.
34 TWC will deduct 50 percent per each single deduction of the amount of FPUC, FRWW, MEUC,
35 PEUC, or PUA otherwise payable to the claimant for a benefit overpayment. Section 303(g) of
36 the Social Security Act requires these programs be offset to repay benefit overpayments,
37 however, the US Department of Labor has limited the amount of FPUC, FRWW, MEUC, PEUC,
38 or PUA that can be offset to 50 percent of the benefit payment. Offsetting regarding state
39 programs such as regular state benefits is still governed by state law, including §212.006 and
40 §214.002 of the Act, but with additional flexibility.

41
42 Conformity with Federal Law
43

¹ For FPUC, see Attachment I to UIPL No.15-20; for MEUC, see UIPL 15-20, Change 3;for PEUC, see UIPL Attachment I to UIPL No. 17-20, Change 1; and for PUA, see Attachment I to UIPL No. 16-20, Change 2.

1 Lastly, TWC adds a federal conformity provision to Chapter 815, Subchapter A. This provision
2 ensures that if federal statutes or regulations change before TWC has a reasonable opportunity to
3 amend its rules, that TWC will continue to operate in conformity with federal law.
4

5 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

6 (Note: Minor editorial changes are made that do not change the meaning of the rules and,
7 therefore, are not discussed in the Explanation of Individual Provisions.)
8

9 **SUBCHAPTER A. GENERAL PROVISIONS**

10 **TWC adopts the following new section to Subchapter A:**

11 **§815.4. Conformity with Federal Law**

12 New §815.4 provides that, notwithstanding any other provision of Chapter 815, if the US
13 Secretary of Labor holds that a provision of Chapter 815 does not conform with federal statute or
14 regulation, TWC may administer Chapter 815 to conform with the federal statute or regulation
15 until it has a reasonable opportunity to amend the nonconforming provision.
16
17

18 **SUBCHAPTER F. EXTENDED BENEFITS**

19 **TWC adopts the following new section to Subchapter F:**

20 **§815.175. Federal Waiver to Preserve Access to Extended Benefits**

21 New §815.175 states that pursuant to Texas Unemployment Compensation Act, §209.025, if full
22 federal funding for EB is available and TWC is permitted to reduce or eliminate the number of
23 weeks between the end of an extended benefit period and the beginning of a new extended
24 benefit period required by the Extended Unemployment Compensation Act of 1970,
25 §203(b)(1)(B), TWC shall reduce or eliminate the number of weeks accordingly to maximize the
26 receipt of any fully funded federal EB. Section 815.175 operates retroactively, if applicable.
27
28

29 **SUBCHAPTER G. CARES ACT PROVISIONS**

30 **TWC adopts the following amendments to Subchapter G:**

31 **§815.180. Definitions**

32 Section 815.180 is amended to add new paragraph (4), which defines MEUC as the Mixed
33 Earner Unemployment Compensation provisions of §2104 of the CARES Act. Current
34 paragraphs (4) and (5) are renumbered as paragraphs (5) and (6).
35
36

37 **§815.181. Coordination of CARES Act**

38 Section 815.181 is amended to add new subsections (c) - (h), which further dictate the
39 coordination of programs, especially how they relate to PEUC, EB, and MEUC.
40

41 New §815.181(c) provides that if a claimant is receiving PEUC, EB, or PUA, and becomes
42 eligible for regular compensation, the claimant must stop collecting PEUC, EB, or PUA and file
43 a new claim for regular compensation, with the following exception: For a claimant whose
44 regular compensation benefit year expires after December 27, 2020, if the claimant is entitled to,
45 and has a remaining entitlement to, PEUC with respect to that benefit year, TWC shall establish
46 a new benefit year, but defer the payment of regular compensation with respect to that new

1 benefit year until exhaustion of all PEUC payable with respect to the prior benefit year if the
2 individual's weekly benefit amount of regular compensation in the new benefit year is at least
3 \$25 less than the individual's weekly benefit amount on the PEUC claim.

4
5 New §815.181(d) provides that a claimant who is receiving EB for the week of unemployment
6 that includes December 27, 2020, or the week ending March 13, 2021, shall not be eligible for
7 PEUC until the individual has exhausted all rights to EB.

8
9 New §815.181(e) states that for weeks of unemployment beginning January 3, 2021, a claimant's
10 eligibility for EB shall be considered to include any week that begins after the individual
11 exhausts all rights to PEUC and that falls during an EB period that began after the date the
12 individual exhausted all rights to PEUC. This applies even if the claimant's benefit year has
13 expired, provided the state is in an EB period as of the date the individual exhausts PEUC.

14
15 New §815.181(f) replaces current §815.181(c). It still provides that FPUC provides for
16 additional compensation to a claimant collecting regular compensation, PEUC, PUA, EB, a
17 Shared Work program under Chapter 215 of the Texas Unemployment Compensation Act, Trade
18 Readjustment Allowances (TRA), and Disaster Unemployment Assistance (DUA), and that
19 claimants will receive FPUC payments concurrently with payments under these programs. The
20 last sentence referencing dates for FPUC has been removed.

21
22 New 815.181(g) provides that MEUC provides for additional compensation to a claimant
23 collecting regular compensation, PEUC, EB, a Shared Work program under Chapter 215 of the
24 Texas Unemployment Compensation Act, TRA, and DUA. It does not provide additional
25 compensation to a claimant collecting PUA. Claimants will receive MEUC payments
26 concurrently with payments under these programs.

27
28 New §815.181(h) provides that in operationalizing these requirements, TWC may further amend
29 the dates in §815.181 in response to federal statute or regulation.

30 31 **§815.182. Appeals**

32 Section 815.182 is amended to add MEUC to §815.182(a) - (c).

33 34 **§815.183. Waiver**

35 Section 815.183 is amended to remove subsection (b). References to PUA and MEUC as being
36 federal extended unemployment compensation programs and therefore subject to §815.12 have
37 been added.

38 39 **§815.184. Overpayments**

40 Section 815.184 is amended to add MEUC to subsection (a) and former subsection (c) as well as
41 to remove the PUA waiver prohibition from subsection (b). Former subsection (c) is re-lettered
42 to subsection (d). Subsections (a) and (b) are amended to remove the last sentence. Subsection
43 (c) clarifies that TWC shall deduct 50 percent per each single deduction of the amount of FPUC,
44 FRWW, MEUC, PEUC, or PUA otherwise payable to the claimant to recover an overpayment.

1 **§815.185. Fraud**

2 Section 815.185 is amended to add MEUC to subsections (a) and (b) and remove PUA from
3 subsection (a). Subsection (a) is also amended to note that its provisions stand unless otherwise
4 conflicting with federal statute or regulation.

5
6 **PART III. PUBLIC COMMENT**

7 The public comment period closed on June 7, 2021. No comments were received.

8
9 **PART IV. STATUTORY AUTHORITY**

10 The rules are adopted under:

11
12 --Texas Labor Code, §209.025, which provides TWC with authority to adopt rules necessary to
13 maximize the receipt of any fully federally funded extended unemployment benefits, if full
14 federal funding of those benefits is available; and

15 --Texas Labor Code, §301.0015(a)(6), which provides TWC with the authority to adopt, amend,
16 or repeal such rules as it deems necessary for the effective administration of TWC services and
17 activities.

18
19 The rules affect Texas Labor Code, Title 4.

1
2 **CHAPTER 815. UNEMPLOYMENT INSURANCE**
3

4 **SUBCHAPTER A. GENERAL PROVISIONS**
5

6 **§815.4. Conformity with Federal Law.**
7

8 Notwithstanding any other provision of this chapter, if the US Secretary of Labor holds
9 that a provision of this chapter does not conform with federal statute or regulation, the
10 Agency may administer this chapter to conform with the federal statute or regulation until
11 the Commission has a reasonable opportunity to amend the nonconforming provision.
12

13 **SUBCHAPTER F. EXTENDED BENEFITS**
14

15 **§815.175. Federal Waiver to Preserve Access to Extended Benefits.**
16

17 Pursuant to §209.025 of the Act, if full federal funding for Extended Benefits is
18 available and the Agency is permitted to reduce or eliminate the number of weeks
19 between the end of an extended benefit period and the beginning of a new extended
20 benefit period required by §203(b)(1)(B) of the Extended Unemployment Compensation
21 Act of 1970, the Agency shall reduce or eliminate the number of weeks accordingly to
22 maximize the receipt of any fully funded federal Extended Benefits. This section
23 operates retroactively, if applicable.
24

25 **SUBCHAPTER G. CARES ACT PROVISIONS**
26

27 **§815.180. Definitions.**
28

29 The following definitions shall apply to this subchapter:
30

- 31 (1) CARES Act--refers to the Coronavirus Aid, Relief, and Economic Security
32 Act, Public Law 116 - 136; TITLE II--Assistance for American Workers,
33 Families, and Businesses; Subtitle A--Unemployment Insurance Provisions.
34
35 (2) FPUC--refers to the Federal Pandemic Unemployment Compensation
36 provisions of §2104 of the CARES Act.
37
38 (3) FRWW--refers to the Federally Reimbursed Waiting Week provisions of
39 §2105 of the CARES Act.
40
41 (4) MEUC--refers to the Mixed Earner Unemployment Compensation provisions
42 of §2104 of the CARES Act.
43
44 (5) ~~(4)~~ PEUC--refers to the Pandemic Emergency Unemployment Compensation
45 provisions of §2107 of the CARES Act.
46

1 ~~(6)~~ (5) PUA--refers to the Pandemic Unemployment Assistance provisions of
2 §2102 of the CARES Act.

3
4 **§815.181. Coordination of CARES Act Programs.**

5
6 (a) For a claimant who is eligible for regular compensation, including Unemployment
7 Compensation for Federal Employees (UCFE) and Unemployment Compensation
8 for Ex-servicemembers (UCX), the following order of payment applies:

- 9
10 (1) The claimant must first apply for and receive regular compensation. The
11 amount and duration of these benefits are as defined by the Act;
12
13 (2) if the claimant exhausts regular compensation, the claimant may then be
14 eligible to receive PEUC;
15
16 (3) if the claimant exhausts PEUC and the state has "triggered on" to Extended
17 Benefits (EB) under Chapter 209 of the Act, the claimant may then be eligible
18 to receive EB;
19
20 (4) if the State is not "triggered on" to EB or the claimant exhausts EB, the
21 claimant may then be eligible to receive PUA. If the State "triggers on" to EB
22 during the period in which the claimant is collecting PUA and the claimant has
23 not previously exhausted entitlement to EB for the respective benefit year, then
24 the claimant must stop collecting PUA and file for EB; and
25
26 (5) the claimant meets the qualifications to receive Trade Readjustment
27 Allowances (TRA), such benefits will be payable after regular compensation,
28 PEUC, and EB if "triggered on," but prior to PUA.

29
30 (b) For a claimant who is not eligible for regular compensation, PEUC, EB, or TRA,
31 and who meets the federal requirements, the claimant may be eligible to collect
32 PUA.

33
34 (c) If a claimant is receiving PEUC, EB, or PUA, and becomes eligible for regular
35 compensation, the claimant must stop collecting PEUC, EB, or PUA and file a new
36 claim for regular compensation, with the following exception: For a claimant whose
37 regular compensation benefit year expires after December 27, 2020, if the claimant is
38 entitled to, and has a remaining entitlement to, PEUC with respect to that benefit
39 year, the Agency shall establish a new benefit year, but defer the payment of regular
40 compensation with respect to that new benefit year until exhaustion of all PEUC
41 payable with respect to the prior benefit year if the individual's weekly benefit
42 amount of regular compensation in the new benefit year is at least \$25 less than the
43 individual's weekly benefit amount on the PEUC claim.

1
2 (d) A claimant who is receiving EB for the week of unemployment that includes
3 December 27, 2020, or the week ending March 13, 2021, shall not be eligible for
4 PEUC until the individual has exhausted all rights to EB.

5
6 (e) For weeks of unemployment beginning January 3, 2021, a claimant's eligibility for
7 EB shall be considered to include any week that begins after the individual exhausts
8 all rights to PEUC and that falls during an EB period that began after the date the
9 individual exhausted all rights to PEUC. This applies even if the claimant's benefit
10 year has expired, provided the state is in an EB period as of the date the individual
11 exhausts PEUC.

12
13 (f) ~~(e)~~ FPUC provides for additional compensation to a claimant collecting regular
14 compensation, PEUC, PUA, EB, a Shared Work program under Chapter 215 of the
15 Act, TRA, and Disaster Unemployment Assistance (DUA). Claimants will receive
16 FPUC payments concurrently with payments under these programs. ~~This applies for~~
17 ~~the benefit week ending April 4, 2020 through the benefit week ending July 25, 2020~~
18 ~~unless subsequently amended by federal law.~~

19
20 (g) MEUC provides for additional compensation to a claimant collecting regular
21 compensation, PEUC, EB, a Shared Work program under Chapter 215 of the Act,
22 TRA, and DUA. It does not provide additional compensation to a claimant collecting
23 PUA. Claimants will receive MEUC payments concurrently with payments under
24 these programs.

25
26 (h) In operationalizing these requirements, the Agency may further amend the dates in
27 this section in response to federal statute or regulation.

28
29 **§815.182. Appeals.**

30
31 (a) A claimant may appeal an adverse FPUC, FRWW, MEUC, PEUC, or PUA
32 determination pursuant to the provisions and timeframes of Chapter 212 of the Act
33 and the provisions set out in §815.16 of this chapter (relating to Appeals to Appeal
34 Tribunals from Determinations), §815.17 of this chapter (relating to Appeals to the
35 Commission from Decisions), and §815.18 of this chapter (relating to General Rules
36 for Both Appeal Stages).

37
38 (b) An employer is not a "party of interest," pursuant to §815.15(c) of this chapter
39 (relating to Parties with Appeal Rights), to ana FPUC, FRWW, MEUC, PEUC, or
40 PUA determination and therefore does not have appeal rights. An employer may
41 appear at ana FPUC, FRWW, MEUC, PEUC, or PUA hearing to offer evidence
42 when appropriate.

43
44 (c) When considering an appeal involving FPUC and/or MEUC, the Appeal Tribunal
45 and the Commission shall look to the merits of the denial of the underlying benefit
46 when determining eligibility for FPUC and/or MEUC payments.

1
2 **§815.183. Waiver.**
3

4 ~~(a)~~ FPUC, ~~the~~ FRWW, MEUC, PEUC, and PUA ~~and PEUC~~ are federal extended
5 unemployment compensation programs and therefore subject to §815.12 of this chapter
6 (relating to Waiver of Repayment and Recovery of Federal Extended Unemployment
7 Compensation Overpayments).

8
9 ~~(b)~~ ~~PUA, as provided by P.L. 116—136 §2102, is related to Disaster Unemployment~~
10 ~~Assistance programs regulated under Title 20, Part 625, Code of Federal~~
11 ~~Regulations. Therefore, PUA does not constitute a federal extended unemployment~~
12 ~~compensation program and the waiver provisions of §815.12 of this chapter do not~~
13 ~~apply.~~

14
15 **§815.184. Overpayments.**
16

17 (a) Unless ~~an~~ FPUC, FRWW, MEUC, or PEUC overpayment is otherwise recovered,
18 or ~~is~~ waived, the Agency shall, during the three-year period after the date the
19 claimant received the payment of FPUC, FRWW, MEUC, or PEUC to which the
20 claimant was not entitled, recover the overpayment by deductions from any sums
21 payable to the claimant. ~~No single deduction may exceed 50 percent of the amount~~
22 ~~otherwise payable to the claimant.~~

23
24 (b) Unless a PUA overpayment is otherwise recovered or waived, the Agency shall
25 recover the overpayment by deductions from any sums payable to the claimant. A
26 PUA overpayment ~~may not be waived per §815.183(b) of this chapter and~~ is not
27 subject to the three-year period limitation stated in subsection (a)~~subsection(a)~~ of this
28 section. ~~No single deduction may exceed 50 percent of the amount otherwise payable~~
29 ~~to the claimant.~~

30
31 (c) The Agency shall deduct 50 percent per each single deduction of the amount of
32 FPUC, FRWW, MEUC, PEUC, or PUA otherwise payable to the claimant to recover
33 an overpayment.

34
35 ~~(e)~~ If a claimant has an unemployment benefits overpayment with an appropriate
36 agency in another state, and the Agency has a reciprocal arrangement with that other
37 state agency under §211.004 of the Act, the Agency shall deduct 50 percent per each
38 single deduction of the amount of FPUC, FRWW, MEUC, PEUC, or PUA otherwise
39 payable to the claimant.

40
41 **§815.185. Fraud.**
42

43 (a) Unless otherwise conflicting with federal statute or regulation, a ~~A~~ penalty for
44 fraudulently obtaining benefits under §214.003 of the Act shall not apply to
45 fraudulently obtained FPUC, FRWW, MEUC, and PEUC, ~~and PUA~~ benefits
46 forfeited.

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- (b) The Agency and the Commission shall examine the underlying payment or statement which precipitated the fraud determination when examining FPUC [and/or MEUC](#) fraud.
- (c) In determining disqualification for fraud under PUA, the provisions of 20 ~~CFR~~[C.F.R.](#) §625.14(i) shall apply.