

13964, (eff 5-16-24)

Readopt with amendment Emp 402.02, effective 9-11-13 (Document #10409), to read as follows:

Emp 402.02 Interest on Overpayments.

(a) Interest shall accrue on overpaid unemployment compensation benefits for which the claimant has been determined with fault as provided in RSA 282-A:165, IV, RSA 282-A:14, and Emp 502.03.

(b) No interest shall be due on overpayments which are paid in full within 60 days from the date of mailing of the final decision creating the overpayment.

(c) Accrued interest shall be due beginning 61 days from the date of mailing of the final decision creating the overpayment, retroactive to such mailing date.

(d) Interest shall accrue on the first friday of each month.

(e) Unless otherwise previously ordered pursuant to RSA 282-A:29, waived under federal or state law, or contrary to bankruptcy law or court order, interest shall accrue on overpaid unemployment compensation benefits until such overpaid benefits are fully repaid.

(f) Following full repayment of overpaid unemployment compensation benefits, if all or part of the accrued interest, penalties, fees, and legal costs amounts to \$50 or less the department shall determine whether all or part of the accrued interest, penalties, fees, and legal costs should be compromised pursuant to RSA 282-A:29, II depending on whether this is in the best interests of the state.

(g) In determining whether compromise pursuant to (f) above is in the best interests of the state, the department shall consider whether the debtor:

- (1) Paid the overpayment as promptly as the debtor was financially able;
- (2) Agreed to a payment schedule and amount consistent with the debtor's ability to pay;
- (3) Made payments substantially in compliance with any payment schedule or court order;
- (4) Contacted the department if any payments were going to be late or less than the agreed amount;
- (5) Provided any financial affidavit or other financial information which was requested by the department to determine the debtor's ability to pay;
- (6) Kept the department informed of the debtor's telephone numbers, sources of income, physical addresses, and mailing addresses;
- (7) Promptly responded to communications from the department;
- (8) Assured that checks were not returned due to insufficient funds;
- (9) Cooperated so that it was not necessary to take legal action; and
- (10) Acted in any other way which positively demonstrated the debtor's willingness to substantially comply with the department's collection efforts.

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Appendix

Rule Number	State Statute / Federal Regulation Implemented
Emp 402.02	RSA 282-A:29; RSA 282-A:141; RSA 282-A:165, IV