

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 60.2-633 of the Code of Virginia, relating to enforcement of orders of*
3 *the Virginia Employment Commission; actions to collect overpayment of benefits.*

4 [H 881]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 60.2-633 of the Code of Virginia is amended and reenacted as follows:**

8 § 60.2-633. Receiving benefits to which not entitled.

9 A. Any person who has received any sum as benefits under this title to which he was not entitled
10 shall be liable to repay such sum to the Commission. In the event the claimant does not refund the
11 overpayment, the Commission shall deduct from any future benefits such sum payable to him under this
12 title unless overpayment occurred due to administrative error, in which case the Commission shall
13 deduct only fifty percent of the payable amount for any future week of benefits claimed, rounded down
14 to the next lowest dollar until the overpayment is satisfied. Administrative error shall not include
15 decisions reversed in the appeals process. In addition, the overpayment may be collectible by civil action
16 in the name of the Commission. Amounts collected in this manner may be subject to an interest charge
17 as prescribed in § 58.1-15 from the date of judgment and may be subject to fees and costs. Collection
18 activities for any benefit overpayment established of five dollars or less may be suspended. The
19 Commission may, for good cause, determine as uncollectible and discharge from its records any benefit
20 overpayment which remains unpaid after the expiration of seven years from the date such overpayment
21 was determined, or immediately upon the death of such person or upon his discharge in bankruptcy
22 occurring subsequently to the determination of overpayment. Any existing overpayment balance not
23 equal to an even dollar amount shall be rounded to the next lowest even dollar amount.

24 B. The Commission is authorized to accept repayment of benefit overpayments by use of a credit
25 card. The Virginia Employment Commission shall add to such payment a service charge for the
26 acceptance of such card. Such service charge shall not exceed the percentage charged to the Virginia
27 Employment Commission for use of such card.

28 C. *Final orders of the Commission or circuit court with respect to benefit overpayments may be*
29 *recorded, enforced and satisfied as orders or decrees of a circuit court upon certification of such orders*
30 *by the Commissioner or circuit court as may be appropriate.*

ENROLLED

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