

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 60.2-633 of the Code of Virginia, relating to persons receiving*  
3 *unemployment benefits to which not entitled; authority of Commission to negotiate terms of*  
4 *repayment.*

5 [H 550]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 60.2-633 of the Code of Virginia is amended and reenacted as follows:**

9 § 60.2-633. Receiving benefits to which not entitled.

10 A. Any person who has received any sum as benefits under this title to which he was not entitled  
11 shall be liable to repay such sum to the Commission. In the event the claimant does not refund the  
12 overpayment, the Commission shall deduct from any future benefits such sum payable to him under this  
13 title unless overpayment occurred due to administrative error, in which case the Commission shall  
14 ~~deduct only fifty~~ *have the authority to negotiate the terms of repayment, which shall include (i)*  
15 *deducting up to 50 percent of the payable amount for any future week of benefits claimed, rounded*  
16 *down to the next lowest dollar until the overpayment is satisfied; (ii) foregoing collection of the payable*  
17 *amount until the recipient has found employment as defined in § 60.2-212; or (iii) determining and*  
18 *instituting an individualized repayment plan. The Commission shall collect an overpayment caused by*  
19 *administrative error only by offset against future benefits or a negotiated repayment plan; however, the*  
20 *Commission may institute any other method of collection if the individual fails to enter into or comply*  
21 *with the terms of the repayment plan. Administrative error shall not include decisions reversed in the*  
22 *appeals process. In addition, the overpayment may be collectible by civil action in the name of the*  
23 *Commission. Amounts collected in this manner may be subject to an interest charge as prescribed in*  
24 *§ 58.1-15 from the date of judgment and may be subject to fees and costs. Collection activities for any*  
25 *benefit overpayment established of five dollars or less may be suspended. The Commission may, for*  
26 *good cause, determine as uncollectible and discharge from its records any benefit overpayment which*  
27 *remains unpaid after the expiration of seven years from the date such overpayment was determined, or*  
28 *immediately upon the death of such person or upon his discharge in bankruptcy occurring subsequently*  
29 *to the determination of overpayment. Any existing overpayment balance not equal to an even dollar*  
30 *amount shall be rounded to the next lowest even dollar amount.*

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

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

ENROLLED

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