
By Mr. Rotondi, a petition (accompanied by bill, Senate, No. 118) of Samuel Rotondi and Sharon M. Pollard for legislation to clarify procedures for recovering unemployment compensation overpayments. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-nine.

AN ACT CLARIFYING PROCEDURES FOR RECOVERING UNEMPLOYMENT COMPENSATION OVERPAYMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section sixty-nine of chapter one hundred fifty-
2 one A is hereby amended by striking out subsection (a)
3 thereof and inserting in place thereof the following: —

4 (a) The division may recover by action of contract any
5 amounts paid to an individual through error, or, in the dis-
6 cretion of the director, the amount erroneously paid may be
7 deducted from any further payments of benefits accruing to
8 an individual under the provisions of this chapter. The
9 director shall not thereby cause any benefit payment to be
10 reduced to less than fifty percent of what it would have been
11 if the deduction for overpayment had not been made.

1 SECTION 2. Said section sixty-nine is hereby further
2 amended by striking out subsection (c) and inserting in
3 place thereof the following: —

4 (c) There shall be no recovery of payment from any person
5 who is without fault on his part and where such recovery
6 would defeat the purpose of benefits otherwise authorized or
7 would be against equity and good conscience. A claims ad-
8 juster shall initially decide whether restitution shall be re-
9 quired and, if so, the terms and conditions thereof. Any
10 claimant aggrieved by the claims adjuster's decision has the
11 right to appeal pursuant to sections thirty-nine through forty-
12 two of this chapter. Each notice of redetermination or over-

13 payment, and each decision by a review examiner or by the
 14 board of review affirming such a redetermination or over-
 15 payment, shall contain an explanation of a claimant's rights
 16 under this section.