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**Before the Committee on Executive Administration and Labor
Council of the District of Columbia**

Performance Oversight Regarding the Department of Employment Services

February 21, 2024

Legal Aid DC¹ submits the following testimony regarding on the recent performance of the Department of Employment Services (DOES). From our experience with assisting District workers this year, we identified ongoing systemic issues with how DOES handles unemployment. We will recommend solutions throughout this testimony, but our highest priorities are the following:

¹ Legal Aid DC was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 92 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org.

- To expand unemployment insurance filing access to DC workers: DOES must immediately resume taking phone calls and more clearly and widely advertise that DOES takes in-person applications.
- For adequate language access: DOES should translate UI initial claims, continuing claims forms, and appeal forms into all the languages required by the DC Language Access Act and make those translations available online and in paper at the American Jobs Centers.
- To ensure the new claimant portal functions at its best: DOES should include claimants, claimant advocates, and other interested parties in the continued improvement of the new system. This could be through the creation of an advisory committee.
- To ensure that claimants have adequate assistance, DOES should immediately implement a claimant advocate login to the claimant portal where they can access information about their clients' claims, including relevant notices.
- To preserve DOES' resources in overpayment recoupment: waive non-fraud, no-fault overpayments, including CARES Act overpayments, where the claimant cannot afford to repay the debt and notify all overpaid claimants of their right to file a waiver request.
- To comply with the DC Code and eliminate improper fraud assessments: when DOES suspects fraud, it should investigate every case individually to determine whether someone misrepresented a fact *knowingly* and with *intent to obtain a benefit they were not entitled to*².
- To alleviate undue burden on innocent claimants trying to access benefits: DOES should immediately begin paying claimants who have fallen victim to third party fraud their due benefits and/or pay the claimant all due back benefits or seized funds.

² D.C. Code, § 51-119(a)

Barriers to Applying for Unemployment and Accessing Continued Claims

DOES' New Portal has Accessibility Flaws and DOES Can Still Collaborate with Claimants and Claimant Advocates in Improving the New Portal

DOES recently switched to a new online claimant portal at www.dcnetworks.org. Although DOES missed an opportunity to collaborate with claimants and claimant advocates in designing and implementing the new portal, there's still an opportunity to collaborate on improving it. There are many issues that could be avoided and improved if DOES were to adopt an inclusive feedback process to include both claimants and claimant advocates. Some of these are discussed throughout this testimony and more will surely be discovered as DC workers attempt to access benefits.

Filing New Applications

As of January 2022, DOES stopped allowing claimants to file an initial UI claim by telephone. Not having a phone option means jobless workers without computer access may face significant hardship and delay when applying for and receiving employment benefits, as the only other (non-advertised) option is applying in person. Eliminating telephone applications places an unnecessary barrier in the way of receiving benefits, and ultimately put low-income workers at greater risk of foreclosure, homelessness, and other collateral consequences of job loss.

Even when phone service was available, many workers lost weeks or even months of unemployment benefits because they could not get through to the Customer Call Center (202-724-7000) to file a claim. Just this month, Legal Aid was on hold for over an hour trying to confirm with someone in the call center that in-person applications are allowed. Therefore, even if DOES reinstates initial application by telephone for unemployment claimants, it must still ensure that the telephone access is adequate.

Claimants who have difficulty applying online may not know that there is an in-person option. Although DOES' main call center line says claimants can visit an American Jobs Center for starting an unemployment claim, it does not clearly state this on its website.³ Instead, it only states "To submit a UI claim for the first time, please visit the DC Networks site." Workers who lack the technology or ability to apply and maintain benefits online need the in-person option to be widely advertised and accessible.

³ See Apply for Benefits, available at: <https://unemployment.dc.gov/page/apply-benefits>

Identification Verification through ID.me

Even for those workers who do have the technology or skills to apply online, there are several potentially significant barriers to doing so. One is the recently introduced identify verification through ID.me.

ID.me is the digital identity verification application DOES began using in February 2024 for claimants to create and access their online claims portal. ID.me can make it difficult, or even impossible, for workers to access unemployment benefits. This is especially true for someone who lacks the technology or ability to use the application.

To set up an ID.me account, workers need to use either a smart phone or a computer with the ability to make video calls. Pre-paid phones only work if they are registered with Verizon, AT&T, T-Mobile, or Sprint.⁴ Then, both an email account and second authentication is required to set up an account. The options for multi-factor authentication all involve a cell phone: text or phone call, push notification in the ID.me application, a code generator in the application, a security key, or an NFC-enabled mobile security key using the application. After those requirements are met, you must either submit a government ID and a clear selfie or have a video call with an ID.me video chat agent. This barrage of requirements and potential technical issues at every step could cause many workers to experience significant delays or even abandon their applications.

ID.me primarily uses “self service” facial recognition software to verify identities. Facial recognition software has documented problems that might disproportionately affect the DC worker population. These issues stem from some algorithms that demonstrate racial and gender biases by failing to recognize people of color as well as their white counterparts⁵ or producing inaccurate results for black female 18-30 year olds.⁶ Even the U.S. Department of Labor Inspector General issued an alert memorandum to states that

⁴ See Troubleshooting phone verification, *available at*: <https://help.id.me/hc/en-us/articles/360017839774-Troubleshooting-phone-number-verification>

⁵ See Cybersecurity and New Technologies, *available at*: https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/unoct_guide_for_human_rights_web.pdf

⁶ See Racial Discrimination in Face Recognition Technology, *available at*: <https://sitn.hms.harvard.edu/flash/2020/racial-discrimination-in-face-recognition-technology/>

use identity verification service contractors like ID.me citing such concerns.⁷ If the facial recognition does not work, then workers have to use the video chat option or go in person, causing further delay in accessing benefits, potentially deterring workers from finishing their filing. To our knowledge, DOES has yet to publicly comment on how it plans to address these barriers.⁸

Language Access Services Are Still Inadequate, Especially for Amharic Workers

DOES still needs to improve its services for Limited or Non-English Proficient workers as required by the DC Language Access Act.

First, DOES must ensure that notices sent to workers comply with the Act. We have seen DOES send English language emails to Amharic and Spanish speakers even after the workers notify DOES of their Limited English Proficiency.

DOES's online resources must also comply with the Act. DOES's new claimant portal does include the ability to translate the webpage into other languages. While Spanish seems to have its own translation built into the page, Amharic is translated through Google translate, which is anecdotally a very flawed method for translating Amharic. However, once a person is instructed to create an ID.me account to continue, it defaults back to English with some translation options. Unfortunately, Amharic is not one of them.

Further, DOES' unemployment website, unemployment.dc.gov, does not offer all forms in all languages required by the DC Language Access Act. For example, the appeal form is only offered in English, Spanish, and Vietnamese.

We encourage DOES to incorporate best practices for language access throughout both their unemployment site and DC networks site.

⁷ See "Alert Memorandum: ETA and States Need to Ensure the Use of Identity Verification Service Contractors Results in Equitable Access to UI Benefits and Secure Biometric Data" available at: <https://www.oig.dol.gov/public/reports/oa/2023/19-23-005-03-315.pdf>

⁸ See D.C. Unveils New Unemployment Insurance And Identity Verification System, available at: https://dcist.com/story/24/02/07/dc-new-unemployment-insurance-system/?utm_medium=email&utm_source=engagingnetworks&utm_campaign=DCIST_DAILY_02_07_24&utm_content=DCist+Daily+2/7

Recommendations

- Include, claimants, claimant advocates, and other interested parties in the modeling, implementation, and continued improvement of the new system. This could be through the creation of an advisory committee.
- Implement an “advocate login” into the new system, allowing advocates to create accounts that link to those of the claimants they represent.
- Incorporate feedback and updates to improve the new portal system.
- DOES should immediately resume taking UI applications by phone and more widely advertise the in-person option.
- DOES should continue to ensure other measures of verifying identity are available and well-advertised, such as in-person verification.
- DOES should translate UI initial claims and continuing claims forms into all the languages required by the DC Language Access Act and make those translations available online and in paper at the American Jobs Centers.
- DOES should incorporate language access best practices into the new claimant portal.
- To better serve the District’s unemployed workers, DOES must prioritize language translations (especially in Spanish and Amharic), disability access⁹, and compatibility with mobile devices.

Lack of Response to Fixing Issues Caused by Third Party Fraudsters Places Undue Hardship on DC Workers Who are Not at Fault

Multiple claimants have sought assistance from Legal Aid with getting access to their UI benefits or addressing an “overpayment” after a third-party fraudster had used their account to obtain benefits. Claimants have found out in multiple, unfortunate ways:

- Some claimants get an intent to offset notice alerting them to an “overpayment” after not having applied for or received UI over the time

⁹ See DC.Gov Accessibility Policy, *available at* <https://dc.gov/page/dcgov-accessibility-policy>

period of the alleged overpayment. Many claimants in this situation may not know how to combat such an allegation. As described above, these notices tell claimants that they must repay these debts, and do not describe any avenues for requesting a waiver. They also do not alert claimants to the possibility of fraudulent activity on their accounts. Even the claimants that do follow the instructions on these notices for appealing the decision have a difficult time getting a response from DOES in a timely manner, as there is no established procedure or timeline for DOES to respond to internal requests for appeal or reconsideration.

- Some claimants do not receive even that level of notice, instead finding out about the fraudulent activity when their tax refund is seized. They then must figure out how to contact DOES in order to try to get a refund from DOES of the erroneous seizure of their tax refund.
- Other claimants learn of the fraudulent access to their accounts when attempting to file a new claim for benefits. After filing, they will be denied and sometimes accused of fraud themselves. Legal Aid has three clients where this happened, and each has been waiting for about 2 years for the issue to be resolved. Over this time period, Legal Aid has repeatedly followed up with DOES to try to obtain benefits for these clients, only for DOES to provide that they are still investigating. Two of these three clients were also included in last year's testimony:
 - Ms. J. began receiving benefits in January 2022, but had them interrupted when a third-party fraudster hacked her account in May 2022. Despite alerting and following up with DOES frequently since, Ms. J is still waiting for DOES to pay for her missing weeks.
 - Similarly, Ms. W began receiving benefits in 2022, but had them interrupted several times when a third-party fraudster hacked her account. She is still waiting for DOES to pay her three missing weeks of benefits from July 2022.
 - When Ms. X lost her job and attempted to file for unemployment benefits in fall 2021, she realized for the first time that a third-party fraudster had already filed multiple claims on her account. She immediately took all of the steps DOES recommended to have the fraudulent claims removed from her file, including filing a police report. As of today, DOES still has not paid any of the benefits she is owed from her claim and refused to give an estimate of when her case will be resolved. Moreover, DOES tried to charge her an

overpayment for the fraudulent claims that she herself brought to their attention.

Although we agree that third-party fraud must be investigated, it has led to these claimants having their benefits indefinitely delayed. Some have their tax refunds seized or held by DOES. Not only are the claimants having to constantly contact DOES to try to get updates, but they also are having money they are entitled to delayed or taken from them. DOES's decision to withhold payment to these claimants while conducting the investigation, and then taking years to conduct that investigation with no end in sight, even after they have acknowledged no wrong-doing on the part of the claimants, causes undue hardship for people who had their identities stolen.

Recommendation

- After determining the claimant was not the one behind the fraudulent action, DOES should immediately begin paying the claimant their due benefits and/or pay the claimant all due back benefits or seized funds.

Overpayment Issues

Lack of Notice

In prior years, advocates have raised concerns about the accuracy and fairness of DOES's overpayment and fraud penalty assessment and collection practices,¹⁰ Including the exacerbation of these issues due to the pandemic, which brought many former unemployment claimants back to the unemployment claims system. As we provided in prior testimony the last 3 years:

DOES all too frequently seizes (or "offsets") claimants' current unemployment benefits to pay back prior alleged overpayments without providing claimants with adequate written notices with all the information required by law. In the past year, dozens of claimants have contacted Legal Aid for help after DOES seized their benefits without any written notice. The claimants do not know why their benefits stopped and, without a lawyer, they may never have obtained information to explain why they were overpaid or how to challenge it.

¹⁰ See, e.g., Joint testimony of Legal Aid and CAP, Public Oversight Hearing Regarding DOES, February 14, 2022, *available at*: <https://www.legalaiddc.org/media/288/download>

Other claimants report receiving a DOES Offset Receipt. This standard document tells the claimant how much money was seized from their benefits and how much money DOES claims is still owed in overpaid benefits. However, it contains no explanation of how the overpayment occurred, nor does it explain to the claimant that DC law prohibits DOES from offsetting their current benefits if the underlying debt is not their fault and they cannot afford to pay it back.¹¹ Claimants have a right to appeal an offset of their benefits to OAH under this legal standard, yet the Offset Receipt contains no notice of their appeal rights.

DOES's performance oversight responses for Fiscal Year 2022 illustrate the scope of this problem. DOES seized unemployment benefits from 5,064 individuals in Fiscal Year 2021 and 617 individuals in the first quarter of Fiscal Year 2022.¹² We have continued to receive requests for help with these overpayment issues.

Fraud Findings with No Investigation Showing a Real Finding of the Requisite Intent or Knowledge

Through our advocacy and legal representation, we have found DOES engaging in categorically finding fraud and adding a fraud penalty to overpayments without doing an investigation into the requisite "intent" nor "knowledge" needed to make such a finding.

According to D.C. Code, § 51-119(a)¹³, fraud requires a claimant to "...make[] a false statement or representation knowing it to be false, or knowingly fail[] to disclose a material fact. . . ."

In practice, DOES often does not make this requisite finding, and claimants do not have the requisite intent, before assessing fraud. Frequently, DOES has assessed fraud simply because someone's earnings found did not match the earnings reported, even

¹¹ See D.C. Code 51-119(d)(1) ("[N]o such recoupment from future benefits shall be had if such sum is received by such person without fault on his part and such recoupment would defeat the purpose of this subchapter or would be against equity and good conscience ...").

¹² Department of Employment Services, Responses to Fiscal Year 2021-2022 Performance Oversight Questions (February 8, 2022), Question 46, *available at*: <https://dccouncil.us/wp-content/uploads/2022/02/DOES-FY22-POH-Perfrmance-Questions-Responses-only.pdf>.

¹³ <https://code.dccouncil.gov/us/dc/council/code/sections/51-119>.

when DOES itself has admitted it was a simple mistake. Further, in practice we heard DOES state that it assesses the fraud penalty automatically for four or more weeks of underreported wages.

When DOES includes a fraud penalty on an overpayment, it can add an additional 15% of whatever overpayment is assessed¹⁴ to the total that the claimant must pay back, which can be debilitating, especially to DC workers who earn lower wages. DOES is also allowed to disqualify claimants from receiving future benefits for up to a year when they assess fraud.

In the case of Ms. O, a Legal Aid client, DOES found wages for Ms. O that Ms. O did not include in weekly certifications. Ms. O was not aware of this issue until DOES sent an overpayment notice over 3 years after her mistakes. Ms. O did not report wages because she did simply did not know or understand she was supposed to report them for her part-time job. Ms. O has limited English proficiency, and the online weekly claims forms she was using to certify each week were only available in English. Legal Aid assisted Ms. O in appealing this determination and DOES removed the fraud determination within a week. Had Ms. O not contacted Legal Aid, she would have been paying nearly \$600 in penalties without cause.

DOES has even pursued fraud penalties in cases where DOES conceded that the claimant merely made a mistake. Such is the case of Legal Aid's former client, Mr. C. Mr. C explained to DOES that his failure to report wages was a mistake and memory problem. DOES acknowledged in writing in advance of a hearing that Mr. C did not engage in fraud. Despite this, DOES proceeded with the allegation of fraud. Fortunately, Mr. C was represented by Legal Aid and prevailed when the Judge found no fraud and the penalty was removed.

There are many claimants who may not even understand that they can appeal the fraud portion of the overpayment, or will not find a lawyer who can assist them. Thus, there are most likely thousands of dollars coming out of the pockets of vulnerable workers and going to DOES simply because DOES is foregoing an adequate investigation.

¹⁴ DC Code, § 51-119(d)(3).

Improper Referrals to TOP and Erroneous Seizures of DC Workers' Tax Refunds

DOES has referred claimants to the Treasury Offset Program (TOP) for overpayments that are not eligible to be submitted to TOP per the guiding federal statute.¹⁵ For example, DOES has referred overpayments of claimants, like the ones previously mentioned in this testimony, who were initially eligible for PUA. It was not until years later that DOES determined they were not eligible for PUA and issued an overpayment notice. Additionally, DOES has referred overpayments resulting from a claimant who initially received the wrong program during the pandemic such as getting UI when actually they belonged on the PUA program. These reasons are not eligible to be referred to TOP for recoupment. Only overpayments due to fraud or misreported earnings are eligible to be referred to TOP.¹⁶ Not only are these referrals improper, but they cause an undue burden on claimants who otherwise should be receiving their tax refunds.

Not only is DOES improperly referring debts to TOP, but it is also generating erroneous overpayments on claimants' accounts due to a technical error. Throughout the pandemic, claimants were placed in various pandemic-era programs such as the Pandemic Emergency Unemployment Compensation program (PEUC) and the Pandemic Unemployment Assistance program (PUA). DOES is now going back and placing some claimants in different programs, or otherwise re-evaluating claimants' benefits. In some cases, this is generating overpayments on claimants' accounts. The claimants often only learn of these overpayments when they receive a Notice of Intent to Offset letter providing that DOES intends to offset their state and federal tax refunds.

Take, for example, the case of a claimant Legal Aid assisted, Mr. A, who received an alarming Notice of Intent to Offset letter saying that he owed DOES over \$17,000 ahead of the 2023 tax season. This notice did not include any reasoning nor calculation of how the alleged overpayment occurred – just that his tax refund would be offset to pay back this “debt.” Legal Aid assisted Mr. A, and we confirmed that his overpayment was removed from the Treasury Offset Program (“TOP”). Despite that confirmation, DOES seized over \$1,800 from his tax refund in 2023. It was only after Legal Aid's assistance again that he was refunded.

Despite DOES acknowledging the zero overpayment balance, claimants like Mr. A have still had their tax refunds seized through TOP. Because the overpayment no longer exists, this seizure is also in violation of federal statutes and regulations governing the

¹⁵ 26 U.S.C. 6402(f)(4).

¹⁶ *Id.*

TOP.¹⁷ In such cases, claimants are bearing the burden of lost money and having to spend time and energy getting their money back.

Recommendations

- DOES must issue an adequate written notice to everyone assessed an overpayment as required by law. This notice must include a description of how and when the overpayment occurred; instructions on how claimants can appeal the decision if they disagree; and plain language instructions on how to file a waiver request.
- When DOES suspects fraud, it should investigate every case individually to determine whether someone misrepresented a fact knowingly and with intent to obtain a benefit they were not entitled to, as required by the DC Code.
- DOES should improve communication between the Benefit Payment Control office, which investigates overpayments, and the Treasury Offset Program office, which collects overpayments.

DOES Should Improve its Waiver Process

D.C. law gives DOES the discretion to waive any overpayment received by a claimant.¹⁸ Although a waiver form is available on the DOES website,¹⁹ it is difficult to find, as it does not appear to be mentioned on the DOES home page or on information pages about the UI program. One can locate it at unemployment.dc.gov on the “Prevent Fraud” tab from the drop-down menu a section mentioning that someone can apply for a waiver, but not when the overpayment was due to fraud.²⁰ On that page, there is no link to the actual

¹⁷ *Id.*

¹⁸ D.C. Code § 51-119(d)(1) (“Any person who has received any sum as benefits under this subchapter to which he is not entitled . . . may have such sum waived in the discretion of the Director.”).

¹⁹ See Request for Waiver of Overpayment, *available at*: https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/Request%20for%20Waiver%20of%20Overpayment%20-%202017_EDITED_.pdf

²⁰ See What is Unemployment Insurance Fraud?, *available at*: <https://does.dc.gov/page/what-unemployment-insurance-fraud>, “If you are trying to

waiver request form. In fact, you can no longer search “waiver” on the DOES website. The only way to find it is through a search engine, then find and click the link to the form. Thus, a claimant must already know that waivers are available to find the form. There simply is not enough public information about applying for waivers or how to access the form.

Further, the deadline for submitting a waiver request can only be found on the waiver request itself. Not only is this deadline difficult to find, but it is only 30 days. This is not a large enough window – especially if the claimant did not receive the overpayment notice.

Overpayment notices do not include information about the procedure for applying for a waiver nor what standard DOES will use to assess their request. In fact, the explanatory language in the notice provides that claimants “will be required to repay” the overpayment.²¹ Claimants who do not receive these required overpayment notices, may first see Notice of Intent to Offset letter related to an alleged overpayment. The Notice of Intent to Offset letters also do not contain any information about a waiver request.

This failure to let claimants know of the availability of waivers creates unnecessary hardship for claimants, who committed no error in applying for or receiving these benefits, and yet are expected to pay back thousands of dollars. DOES reports that in Fiscal Year 2021, less than ten individuals asked DOES to waive their overpayment debt.²² DOES did not approve any of these waiver requests. Further, DOES still has not provided any description of how they decide whether to grant a waiver request.²³ DOES’s Benefit Payment Control Unit will be still overwhelmed with overpayment recoupment efforts -- including repeatedly seeking benefits from claimants who will never be able to repay them. Thus, DOES needs a waiver process to eliminate no-fault overpayment debts where a claimant cannot afford to pay back the debt.

repay an improper payment and are not able to make the payments, you are able to request a waiver. Please note that if you are paying back improper payments because of fraud, you are not eligible for a waiver.”

²¹ The notices do attach the statutory language governing overpayments, which includes the clause regarding waiver. However, this language is not in the notice itself.

²² This is the most recent year for which we have waiver information reported by DOES.

²³ See DOES-FY22-POH-Performance-Questions-Responses *available at:* <https://dccouncil.gov/wp-content/uploads/2022/02/DOES-FY22-POH-Perfrmance-Questions-Responses-only.pdf>.

For several years, DOES chose not to follow federal guidance to expand the avenues by which claimants could receive waivers for no-fault overpayments of CARES Act benefits, but instead is still trying to take back some people's PUA. On February 7, 2022, the U.S. Department of Labor (DOL) issued guidance to state unemployment insurance offices addressing the concern that the substantial number of overpayments resulting from CARES Act benefits will further bog down state recoupment efforts. In Unemployment Insurance Program Letter ("UIPL") 20-21, change 1, the DOL strongly urged states to waive no-fault overpayments of federal CARES Act benefits.²⁴ DOL reiterated this strategy in its UIPL 11-23 issued in July 2023.²⁵ This includes granting individual waiver requests and identifying certain categories of overpayments for a "blanket waiver" (meaning that each individual claimant would not have to submit a request – instead, the state will automatically find and waive those overpayments with minimal administrative hassle). The District of Columbia could benefit from these policies, but has yet to adopt them.²⁶ Any waivers in this category would not harm the District because overpayments DOES recoups from CARES Act overpayments would be otherwise returned to the federal government through the U.S. Treasury – and thus would not benefit the UI trust fund in the District of Columbia.

DOES's decision not to use all means available to them to waive no-fault overpayments has had negative consequences for clients, especially those who received benefits through the Pandemic Unemployment Assistance, or PUA. This was a pandemic program available to people who were otherwise ineligible for regular unemployment and were unemployed, partially unemployed, or unable or unavailable to work because of a COVID-19 related reason.

When claimants applied, DOES did not always place them in the correct program. Sometimes, claimants were told they were not eligible for regular UI and were approved for PUA, when in fact they were eligible for regular UI. Others were approved for PUA in 2020, but then DOES recently reconsidered their application and decided they should not have been found eligible for PUA at all. Nearly 4 years after receiving PUA benefits, DOES is now issuing notices of massive overpayments to these claimants – even for

²⁴ See Unemployment Insurance Program Letter No.20-21, Change 1 *available at*: <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-20-21-change-1>.

²⁵ See Unemployment Insurance Program Letter No.11-23, *available at*: <https://www.dol.gov/agencies/eta/advisories/uipl-11-23>

²⁶ There is no deadline for States that wish to propose additional scenarios within the context of the CARES Act UC programs to be considered for blanket waivers.

claimants who applied in good faith, believed they were eligible, and committed no errors in applying.

One D.C. worker Legal Aid is currently assisting, Ms. T, properly received PUA in 2020. Over three years later, in November 2023, she received a “Notice of Intent to Offset” stating that she owed DOES over \$19,000. After Legal Aid escalated, DOES again confirmed she was eligible for PUA and reversed the overpayment. It is yet to be seen whether DOES will offset her tax return.

Recommendations

- DOES should provide a plain-language description of how to request a waiver and what standard DOES will use to assess a waiver request on all overpayment notices and in the UI section of the DOES website.
- DOES should extend the 30-day deadline for a waiver request.
- DOES should agree to waive non-fraud, no-fault overpayments, including CARES Act overpayments, where the claimant cannot afford to repay the debt and notify all overpaid claimants of their right to file a waiver.
- DOES should waive certain categories of federal benefit overpayments that occurred due to no fault of the claimant as encouraged by recent U.S. Department of Labor guidance (in UIPL 20-21, Change 1) to reduce the administrative burden on DOES.

Conclusion

We thank the Committee for its continued oversight of DOES operations, and we look forward to working with the Committee and DOES to resolve problems for claimants.