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week or would receive for the week if the individual filed a claim or application therefor and took all procedural steps necessary under the appropriate law, contract, or policy to receive such payment:

(1) Any benefits or insurance proceeds from any source not defined as "compensation" under §625.2(d) for loss of wages due to illness or disability;

(2) A supplemental unemployment benefit pursuant to a collective bargaining agreement.

(3) Private income protection insurance;

(4) Any workers' compensation by virtue of the death of the head of the household as the result of the major disaster in the major disaster area, prorated by weeks, if the individual has become the head of the household and is seeking suitable work because the head of the household died as the result of the major disaster in the major disaster area; and

(5) The prorated amount of a retirement pension or annuity under a public or private retirement plan or system, prorated, where necessary, by weeks, but only if, and to the extent that, such amount would be deducted from regular compensation payable under the applicable State law.

(6) The prorated amount of primary benefits under title II of the Social Security Act, but only to the extent that such benefits would be deducted from regular compensation if payable to the individual under the applicable State law.

(b) Disqualification. (1) An individual shall not be entitled to DUA for any week after the week in which the individual is reemployed in a suitable position.

(2) An individual who refuses without good cause to accept a bona fide offer of reemployment in a position suitable to the individual, or to investigate or accept a referral to a position which is suitable to and available to the individual, shall not be entitled to DUA with respect to the week in which such refusal occurs or in any subsequent week in the Disaster Assistance Period. For the purposes of this paragraph, a position shall not be deemed to be suitable for an individual if the circumstances present any unusual risk to the health, safety, or morals of the individual, if it is impracticable for the individual to accept the position, or if acceptance for the position would, as to the individual, be inconsistent with any labor standard in section 3304(a)(5) of the Federal Unemployment Tax Act, 26 U.S.C. 3304(a)(5), or the comparable provisions of the applicable State law.


§ 625.14 Overpayments; disqualification for fraud.

(a) Finding and repayment. If the State agency of the applicable State finds that an individual has received a payment of DUA to which the individual was not entitled under the Act and this part, whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

(b) Recovery by offset. (1) The State agency shall recover, insofar as is possible, the amount of any outstanding overpayment of DUA made to the individual by the State, by deductions from any DUA payable to the individual under the Act and this part, or from any compensation payable to the individual under any other Federal law administered by the State agency, or from any assistance or allowance payable to the individual with respect to unemployment under any other Federal law administered by the State agency.

(2) The State agency shall also recover, insofar as is possible, the amount of any outstanding overpayment of DUA made to the individual by another State, by deductions from any DUA payable to the individual under the Act and this part, or from any compensation payable to the individual under any Federal unemployment compensation law administered by the State agency, or from any assistance or allowance payable to the individual.
individual with respect to unemploy-
ment under any other Federal law ad-
ministered by the State agency.

(3) If the State has in effect an agree-
ment to implement the cross-program 
offset provisions of section 303(g)(2) of 
the Social Security Act (42 U.S.C. 
503(g)(2)), the State shall apply the pro-
visions of such agreement to the recov-
eries of outstanding DUA overpayments.

(c) Debts due the United States. DUA 
payable to an individual shall be ap-
plied by the State agency for the recov-
eries of any debt due to the 
United States from the individual, but 
shall not be applied or used by the 
State agency in any manner for the 
payment of any debt of the individual 
to any State or any other entity or per-
son.

(d) Recovered overpayments. Overpay-
ments recovered in any manner shall be 
credited or returned, as the case may be, to the appropriate account of the 
United States.

(e) Application of State law. Any provi-
sion of State law authorizing waiver of 
recovery of overpayments of compensa-
tion shall not be applicable to DUA.

(f) Final decision. Recovery of any 
overpayment of DUA shall not be en-
forced by the State agency until the 
determination establishing the over-
payment has become final, or if appeal 
is taken from the determination, until 
the decision after opportunity for a fair 
hearing has become final.

(g) Procedural requirements. (1) The 
provisions of paragraphs (c), (d), and (f) 
of §625.9 shall apply to determinations and redeterminations made pursuant 
to this section.

(2) The provisions of §625.10 shall 
apply to determinations and redeter-
minations made pursuant to this sec-
tion.

(h) Fraud detection and prevention. 
Provisions in the procedures of each 
State with respect to detection and 
prevention of fraudulent overpayments 
of DUA shall be, as a minimum, com-
mensurate with the procedures adopted 
by the State with respect to regular 
compensation and consistent with the 
Secretary’s “Standard for Fraud and 
Overpayment Detection,” Employment 
Security Manual, part V, sections 7510 et 
seq. (Appendix C of this part).

(i) Disqualification for fraud. Any indi-
vidual who, with respect to a major 
disaster, makes or causes another to 
make a false statement or misrepresent-
tation of a material fact, knowing it to 
be false, or knowingly fails or causes 
another to fail to disclose a material 
fact, in order to obtain for the indivi-
dual or any other person a payment 
of DUA to which the individual or any 
other person is not entitled, shall be 
disqualified as follows:

(i) The individual making the false 
statement, misrepresentation, or non-
disclosure shall be disqualified from 
the receipt of any DUA with respect to 
that major disaster; and

(ii) If the false statement, misrepresen-
tation, or nondisclosure was made 
on behalf of another individual, and 
was known to such other individual to 
be a false statement, misrepresentation, 
or nondisclosure, such other indivi-
dual shall be disqualified from the re-
cipient of any DUA with respect to that 
major disaster; and

(2) If the false statement, misrepresen-
tation, or nondisclosure pertains to 
a week for which application for a pay-
ment of DUA is made—

(i) The individual making the false 
statement, misrepresentation, or non-
disclosure shall be disqualified from 
the receipt of DUA for that week and 
the first two compensable weeks in the 
Disaster Assistance Period that imme-
diately follow that week, with respect 
to which the individual is otherwise en-
titled to a payment of DUA; and

(ii) If the false statement, misrepresen-
tation, or nondisclosure was made 
on behalf of another individual, and 
was known to such other individual to 
be a false statement, misrepresentation, 
or nondisclosure, such other indivi-
dual shall be disqualified from the re-
cipient of DUA for that week and the 
first two compensable weeks in the 
Disaster Assistance Period that imme-
diately follow that week, with respect 
to which the individual is otherwise en-
titled to a payment of DUA.

(j) Criminal penalties. The provisions 
of this section on recovery of overpay-
ments and disqualification for fraudu-
ently claiming or receiving any DUA
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§ 625.15 Inviolate rights to DUA.

Except as specifically provided in this part, the right of individuals to DUA shall be protected in the same manner and to the same extent as the rights of persons to regular unemployment compensation are protected under the applicable State law. Such measures shall include protection of applicants for DUA from waiver, release, assignment, pledge, encumbrance, levy, execution, attachment, and garnishment, of their rights to DUA. In the same manner and to the same extent, individuals shall be protected from discrimination and obstruction in regard to seeking, applying for and receiving any right to DUA.

§ 625.16 Recordkeeping; disclosure of information.

(a) Recordkeeping. Each State agency will make and maintain records pertaining to the administration of the Act as the Secretary requires, and will make all such records available for inspection, examination, and audit by such Federal officials or employees as the Secretary may designate or as may be required by law.

(b) Disclosure of information. Information in records made and maintained by a State agency in administering the Act shall be kept confidential, and information in such records may be disclosed only in the same manner and to the same extent as information with respect to regular compensation and the entitlement of individuals thereto may be disclosed under the applicable State law, and consistently with section 303(a)(1) of the Social Security Act, 42 U.S.C. 503(a)(1). This provision on the confidentiality of information obtained in the administration of the Act shall not apply, however, to the United States Department of Labor, or in the case of information, reports and studies requested pursuant to § 625.19, or where the result would be inconsistent with the Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), or regulations of the United States Department of Labor promulgated thereunder.

§ 625.17 Announcement of the beginning of a Disaster Assistance Period.

Whenever a major disaster is declared in a State, the State agency shall promptly announce throughout the major disaster area by all appropriate news media that individuals who are unemployed as the result of the major disaster may be entitled to DUA; that they should file initial applications for DUA as soon as possible, but not later than the 30th day after the announcement date; the beginning date of the Disaster Assistance Period; and where individuals may obtain further information and file applications for DUA.

§ 625.18 Public access to Agreements.

The State agency of a State will make available to any individual or organization a true copy of the Agreement with the State for inspection and copying. Copies of an Agreement may be furnished on request to any individual or organization upon payment of the same charges, if any, as apply to the furnishing of copies of other records of the State agency.

§ 625.19 Information, reports and studies.

(a) Routine responses. State agencies shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act and this part.

(b) Final report. In addition to such other reports as may be required by the Secretary, within 60 days after all payments of Disaster Unemployment Assistance as the result of a major disaster in the State have been made, the State agency shall submit a final report to the Secretary. A final report shall contain a narrative summary, a chronological list of significant events, pertinent statistics about the Disaster Unemployment Assistance provided to disaster victims, brief statements of