

NOTICE:

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

(This notice is required by A.R.S. § 41-1091(B).)

NOTICE OF SUBSTANTIVE POLICY STATEMENT
ARIZONA DEPARTMENT OF ECONOMIC SECURITY

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

This policy provides Unemployment Insurance adjudicators with guidelines for applying the “against equity and good conscience” standard (A.R.S. § 23-787(C)) to requests to waive repayment of an unemployment insurance overpayment that has been classified as administrative. The substantive policy statement number is 3-18P-001.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

September 1, 2011

3. Summary of the contents of the substantive policy statement:

Guidelines for Making Determinations on the Waiver of Recoupment of Unemployment Insurance Overpayments (A.R.S. § 23-787(C)).

In determining whether to grant a request to waive repayment of an unemployment insurance overpayment that has been classified as “administrative,” the adjudicator should apply the “against equity and good conscience” standard in a manner consistent with fairness and justice, considering the following factors, when relevant, and any other relevant factors:

A. Overpayment Status

1. The total amount of administrative overpayments that the claimant currently owes, and
2. The date that each overpayment was established and whether the claimant has subsequently made any effort to repay the indebtedness during any period of reemployment.

B. Financial Considerations

1. Whether the claimant is currently employed and, if so, how much the claimant is earning;
2. Other household income, including the claimant's spouse's wages;
3. The claimant's living expenses and other financial obligations;
4. Dependents whom the claimant totally or partially supports; and
5. Any new obligations that the claimant incurred as a result of the claimant believing that the claimant was entitled to the overpaid benefits.

C. Potential Earning Power

1. The claimant's normal occupation, employment history, age, and education; and
2. Restrictions or barriers to the claimant's future employment, such as health problems, disability, or need to provide care for a member of the claimant's household.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

5. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Beth Broeker

Address: Arizona Department of Economic Security
1789 W. Jefferson, Site code 837A
Phoenix, AZ 85007

Phone: (602) 542-6555

Fax: (602) 542-6000

E-mail: bbroeker@azdes.gov

6. Information about where a person may obtain a copy of substantive policy statement:

A person may obtain a copy of the substantive policy statement by contacting the individual listed in item 5.

**Guidelines for Making Determinations on the Waiver of Recoupment of Unemployment
Insurance Overpayments (A.R.S. § 23-787(C))**

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AGENCY RECEIPT

NOTICE OF SUBSTANTIVE POLICY STATEMENT

1. **Agency Name:** Department of Economic Security

2. **Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

Guidelines for Making Determinations on the Waiver of Recoupment of Unemployment Insurance Overpayments (A.R.S. § 23-787(C)). The substantive policy statement number is 3-18P-001.