

VIRGINIA EMPLOYMENT COMMISSION
P. O. BOX 1358
RICHMOND, VIRGINIA 23218-1358



Agent State or L.O.
Benefit Year Ending
Social Security No.
Program

NOTICE OF DEPUTY'S DETERMINATION


You claimed benefits for the period(s) listed below certifying that you either had reported no wages or you reported your wages inaccurately. Based on that certification(s) you were paid benefits in the amount Of \$XXX.XX It **has** now been determined that you were employed and had earnings of **\$X,XXX.XX during** this period.

1ST WEEK	LAST WEEK	OVERPAID	FAULT
XX/XX/XXXX	XX/XX/XXXX	XXX.XX	

Section 60.2-618.4 of the Virginia Unemployment Compensation Act provides a 52 week disqualification if it is found that the claimant made a false statement to obtain benefits. In view of the above facts, it is the opinion of the deputy that you knowingly made misrepresentations and withheld material facts concerning your work and wages. You are therefore disqualified for the period of XX/XX/XXXX through XX/XX/XXXX.

You are further liable to repay to the commission the sum of \$ XXX.XX. as provided in section 60.2-633 of the Virginia Unemployment Compensation Act.

Since you were paid benefits for a period during which you made false statements, you are liable to repay those benefits to this commission. If full repayment has not been made by the end of the disqualification period, you will remain ineligible until the benefits have been repaid.


R. J. BRYANT, Deputy
Virginia Employment Commission



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60.2-618.4 DISQUALIFICATION FOR BENEFITS. -
 FOR FIFTY-TWO WEEKS, BEGINNING WITH THE DATE OF THE DETERMINATION OR DECISION, IF THE COMMISSION FINDS

THAT SUCH INDIVIDUAL, WITHIN THIRTY-SIX CALENDAR MONTHS IMMEDIATELY PRECEDING SUCH DETERMINATION OR DECISION, HAS MADE A FALSE STATEMENT OR REPRESENTATION KNOWING IT TO BE FALSE, OR HAS KNOWINGLY FAILED TO DISCLOSE A MATERIAL FACT, TO OBTAIN OR INCREASE ANY BENEFIT OR PAYMENT UNDER THIS TITLE, THE UNEMPLOYMENT COMPENSATION OF ANY OTHER STATE, OR OTHER PROGRAM OF THE FEDERAL GOVERNMENT WHICH IS ADMINISTERED IN ANY WAY UNDER THIS TITLE, EITHER FOR HIMSELF OR ANY OTHER PERSON. ADDITIONALLY. SUCH INDIVIDUALS SHALL BE INELIGIBLE FOR BENEFITS UNTIL HE HAS REPAID THE COMMISSION THE SUM WHICH HAS BEEN FRAUDULENTLY OBTAINED.

60.2-633. RECEIVING BENEFITS TO WHICH NOT ENTITLED. -
 A. ANY PERSON WHO HAS RECEIVED ANY SUM AS BENEFITS UNDER THIS TITLE TO WHICH HE WAS NOT ENTITLED SHALL BE LIABLE TO REPAY SUCH SUM TO THE COMMISSION. IN THE EVENT THE CLAIMANT DOES NOT REFUND THE OVERPAYMENT, THE COMMISSION SHALL DEDUCT FROM ANY FUTURE BENEFITS SUCH SUM PAYABLE TO HIM UNDER THIS TITLE UNLESS OVERPAYMENT OCCURRED DUE TO ADMINISTRATIVE ERROR, IN WHICH CASE THE COMMISSION SHALL HAVE THE AUTHORITY TO NEGOTIATE THE TERMS OF REPAYMENT, WHICH SHALL INCLUDE (I) DEDUCTING UP TO 50 PERCENT OF THE PAYABLE AMOUNT FOR ANY FUTURE WEEK OF BENEFITS CLAIMED, ROUNDED DOWN TO THE NEXT LOWEST DOLLAR UNTIL THE OVERPAYMENT IS SATISFIED; (II) FORGOING COLLECTION OF THE PAYABLE AMOUNT UNTIL THE RECIPIENT HAS FOUND EMPLOYMENT AS DEFINED IN 60 2-212; OR (III) DETERMINING AND INSTITUTING AN INDIVIDUALIZED REPAYMENT PLAN. THE COMMISSION SHALL COLLECT AN OVERPAYMENT CAUSED BY ADMINISTRATIVE ERROR ONLY BY OFFSET AGAINST FUTURE BENEFITS OR A NEGOTIATED REPAYMENT PLAN; HOWEVER, THE COMMISSION MAY INSTITUTE ANY OTHER METHOD OF COLLECTION IF THE INDIVIDUAL FAILS TO ENTER INTO OR COMPLY WITH THE TERMS OF THE REPAYMENT PLAN. ADMINISTRATIVE ERROR SHALL NOT INCLUDE DECISIONS REVERSED IN THE APPEAL PROCESS. IN ADDITION, THE OVERPAYMENT MAY BE COLLECTIBLE BY CIVIL ACTION IN THE NAME OF THE COMMISSION. AMOUNTS COLLECTED IN THIS MANNER MAY BE SUBJECT TO AN INTEREST CHARGE AS PRESCRIBED IN 58.1-15 FROM THE DATE OF JUDGEMENT AND MAY BE SUBJECT TO FEES AND COSTS. COLLECTION ACTIVITIES FOR ANY BENEFIT OVERPAYMENT ESTABLISHED OF FIVE DOLLARS OR LESS MAY BE SUSPENDED. THE COMMISSION MAY, FOR GOOD CAUSE, DETERMINE AS UNCOLLECTIBLE AND DISCHARGE FROM ITS RECORDS ANY BENEFIT OVERPAYMENT WHICH REMAINS UNPAID AFTER THE EXPIRATION OF SEVEN YEARS FROM THE DATE SUCH OVERPAYMENT WAS DETERMINED, OR IMMEDIATELY UPON THE DEATH OF SUCH PERSON OR UPON HIS DISCHARGE IN BANKRUPTCY OCCURRING SUBSEQUENTLY TO THE DETERMINATION OF OVERPAYMENT. ANY EXISTING OVERPAYMENT BALANCE NOT EQUAL TO AN EVEN DOLLAR AMOUNT SHALL BE ROUNDED TO THE NEXT LOWEST EVEN DOLLAR AMOUNT.

APPEAL RIGHTS

This determination becomes final unless notice of appeal is filed within thirty days after it is delivered in person or mailed to the last known address. The appeal must be in writing and should set forth the grounds upon which the appeal is sought. The appeal should be filed (11 by mail address to: Virginia Employment Commission, Attic First Level Appeals, Room 124, P.U. Box 1358, Richmond, Virginia 23218-1368; (21 by FAX transmission to the First Level Appeals Unit at (804) 788-8492; (V via Internet using web address: <https://www.vec.virginia.gov/vecportal/appeals/Appeals.asp>.

FINAL DATE FOR APPEAL IS XX/XX/XXXX

NOTE In the event an appeal is filed from this determination, you should continue to file your weekly claims. You will want to continue to receive credit for each week in the event the determination contained herein is reversed or revised as a result of the appeal.

Determination mailed to claimant XX/XX/XXXX

Fault A (Agency): This overpayment is the result of Agency error. Therefore, any future benefits claimed will be offset at 50% to recover the amount overpaid.
Fault C (Claimant): This overpayment is not the result of Agency error. Therefore, any future benefits claimed will be offset at 101% to recover the amount overpaid.

The Virginia Employment Commission is an equal opportunity employer.
 Auxiliary aids and services are available upon request to individuals with disabilities.
 Telecommunication Device for the Deaf (800) 828-1120