

1 **CHAPTER 815. UNEMPLOYMENT INSURANCE**

2  
3 **ADOPTED RULES WITH PREAMBLE TO BE PUBLISHED IN THE *TEXAS***  
4 ***REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**  
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF THE**  
6 **SECRETARY OF STATE.**

7  
8 **ON JUNE 29, 2021**, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES  
9 WITH PREAMBLE.

10  
11 Date of publication in the *Texas Register*: **July 16, 2021**

12 The rules will take effect: **July 19, 2021**

13  
14 The Texas Workforce Commission (TWC) adopts the following new sections to Chapter 815,  
15 relating to Unemployment Insurance:

16  
17 Subchapter A. General Provisions, §815.4

18 Subchapter F. Extended Benefits, §815.175

19  
20 TWC adopts amendments to the following sections of Chapter 815, relating to Unemployment  
21 Insurance:

22  
23 Subchapter G. CARES Act Provisions, §§815.180 - 815.185

24  
25 New §815.4 and §815.175 and the amendments to §§815.180 - 815.185 are adopted *without*  
26 *changes* to the proposed text, as published in the May 7, 2021, issue of the *Texas Register* (46  
27 TexReg 3007).

28  
29 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

30 The purpose of the Chapter 815 rule change is in accordance with:

31 --the Families First Coronavirus Response Act (FFCRA), Public Law (P.L.) 116 - 127, which  
32 contained Division D, the Emergency Unemployment Insurance Stabilization and Access Act of  
33 2020 (EUISSA), enacted March 18, 2020;

34 --the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116 - 136, enacted  
35 March 27, 2020;

36 --the Consolidated Appropriations Act, 2021, P.L. 116 - 260, enacted December 27, 2020, which  
37 contained the Continued Assistance for Unemployed Workers Act of 2020 (Continued  
38 Assistance Act or CAA);

39 --the American Rescue Plan Act of 2021 (ARPA), P.L. 117 - 2, enacted March 11, 2021, which  
40 contained Title IX, Subtitle A, Crisis Support for Unemployed Workers Part 1, Extension of  
41 CARES Act Unemployment Provisions and Part 2, Extension of FFCRA Unemployment  
42 Provisions; and

43 --Texas Labor Code, §209.025.

44  
45 FFCRA provided states with emergency funding grants for the administration of their  
46 unemployment compensation (UC) programs to assist states with the unprecedented claim

1 volumes associated with COVID-19. Along with these grants, FFCRA also provided for full  
2 federal funding for state Extended Benefits (EB).

3  
4 The CARES Act provided for new entitlement programs including Federal Pandemic  
5 Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation  
6 (PEUC), Federally Reimbursed Waiting Week (FRWW), and Pandemic Unemployment  
7 Assistance (PUA).

8  
9 The CAA amended the CARES Act in multiple ways, including allowing states the option to  
10 waive PUA overpayments, providing for the creation of a new Mixed Earner Unemployment  
11 Compensation (MEUC) program, and adding new requirements concerning the coordination of  
12 programs.

13  
14 ARPA provided for an extension of CARES Act and CAA programs.

### 15 16 New Options and Authority

17  
18 In terms of new options and authority included in the CAA, §201(d) of the CAA modified  
19 §2102(d) the CARES Act to include an option for states to waive PUA overpayments if certain  
20 requirements are met. Previously, each CARES Act program contained a provision for the  
21 waiver of overpayments with the exception of PUA. TWC operationalized these requirements  
22 through administrative rulemaking in §815.12 and §815.183.

23  
24 To take advantage of the optional waiver authority, TWC amends Chapter 815, Subchapter G, to  
25 incorporate the authority to waive certain PUA overpayments. As the statutory requirements for  
26 PUA waivers in the CAA are the same as those for the CARES Act program waivers, TWC  
27 similarly plans to operationalize these waivers through §815.12 and §815.183.

28  
29 Section 261 of the CAA added the MEUC program to §2104 of the CARES Act. MEUC  
30 operates similarly to another CARES Act program, FPUC, in that it is an additional payment to a  
31 claimant who is eligible for at least one dollar of underlying benefit.

32  
33 However, there are differences between MEUC and FPUC. To receive MEUC, a claimant must  
34 apply for MEUC and be found eligible before MEUC payments may begin. MEUC provides  
35 \$100 each week, in addition to FPUC, to certain claimants who meet monetary eligibility  
36 requirements. Additionally, MEUC is not payable to claimants receiving PUA.

37  
38 TWC has elected to operate the MEUC program and therefore amends Chapter 815, Subchapter  
39 G to include MEUC.

### 40 41 Coordination of Programs

42  
43 Current §815.181 addresses the coordination of CARES Act programs. Section 206 of the CAA  
44 modified the program coordination provisions in §2107 of the CARES Act. As a result, TWC  
45 amends §815.181 to reflect these new requirements.

1 First, under certain circumstances, a claimant who is collecting PEUC and becomes eligible for a  
2 new benefit year of regular UC may be able to continue collecting PEUC instead of filing the  
3 new regular UC claim as is normally required under coordination rules. As authorized by the  
4 CAA and extended by ARPA, a claimant may be eligible to receive PEUC instead of regular UC  
5 if all of the following four criteria are met:  
6

- 7 --I: The individual has been determined to be entitled to PEUC with respect to a benefit year;
- 8 --II: The benefit year with respect to which the PEUC entitlement had been established (that is,  
9 the parent claim) has expired after the date of the CAA enactment;
- 10 --III: The individual has remaining entitlement to PEUC with respect to such benefit year; and
- 11 --IV: The individual would qualify for regular UC in a subsequent (new) benefit year and the  
12 weekly benefit amount for regular UC in the new benefit year would be at least \$25 less than the  
13 weekly benefit amount payable on the individual's PEUC claim.  
14

15 The CAA provided states with four options for choosing how to coordinate PEUC with regular  
16 UC under the new provision. TWC has determined that State Option One is best suited for  
17 operationalization in Texas. State Option One provides for establishing a new benefit year for the  
18 claimant but deferring payment of the new regular UC claim until the PEUC claim has been  
19 exhausted. TWC chose this option previously when a similar amendment was made to the  
20 Emergency Unemployment Compensation provisions of 2008 during the Great Recession.  
21

22 Additionally, both the CAA and ARPA provided extensions of the PEUC program. Both  
23 extensions contained a requirement that a claimant who was collecting EB at the time the  
24 additional PEUC amount became available, stay on EB rather than transition back to PEUC.  
25 Instead, the individual must exhaust the existing EB entitlement before reverting to PEUC. This  
26 applies to the weeks in which the CAA and ARPA were passed.  
27

28 Furthermore, both the CAA and ARPA also provided a state option that a claimant's eligibility  
29 for EB be considered to include any week that begins after the individual exhausts all rights to  
30 PEUC and that falls during an EB period that began after the date the individual exhausted all  
31 rights to PEUC. This applies even if the individual's benefit year has expired, provided the state  
32 is in an EB period as of the date the individual exhausts PEUC. As noted below, Texas Labor  
33 Code, §209.025 provides TWC with the authority to maximize the receipt of any fully funded  
34 federal extended unemployment benefits. TWC is exercising this option and including it in  
35 §815.181.  
36

37 Finally, TWC has added that in operationalizing these requirements, TWC may further amend  
38 the dates in §815.181 in response to federal statute or regulation. This will allow TWC to quickly  
39 respond to any subsequent changes to federal statutes or regulations amending the dates relating  
40 to the coordination of these programs.  
41

42 Additional Provisions  
43

44 Texas Labor Code, §209.025 provides that "Notwithstanding any other provision of this  
45 subchapter, the Commission by rule may adjust the extended benefit eligibility period as

1 necessary to maximize the receipt of any fully funded federal extended unemployment benefits,  
2 if full federal funding for those benefits is available."  
3

4 Section 266 of the CAA also provided a state option to disregard the requirement of  
5 §203(b)(1)(B) of the Federal-State Extended Unemployment Compensation Act of 1970 (26  
6 USC §3304 note) that "no extended benefit period may begin before the fourteenth week after  
7 the close of a prior extended benefit period with respect to such State." Currently, this flexibility  
8 applies between November 1, 2020, and December 31, 2021.  
9

10 To ensure that TWC maximizes the federal funding, TWC proposes the flexibility provided by  
11 §266 of the CAA with a retroactive provision and generally applicable language should this  
12 flexibility be extended into the future. This rule also accounts for possible future situations where  
13 the fourteen-week period is reduced, but not eliminated. This provision is applicable to the  
14 Insured Unemployment Rate and the Total Unemployment Rate triggers.  
15

16 Section 815.185(a) is amended to account for situations in which additional changes in law or  
17 their interpretations conflict with the rule concerning the 15 percent fraud penalty found in  
18 §214.003 of the Texas Unemployment Compensation Act (Act). Initially, the US Department of  
19 Labor (DOL) advised that states may not impose additional fraud penalties beyond those  
20 provided for in the CARES Act to overpayments for these programs.<sup>1</sup>  
21

22 In Unemployment Insurance Program Letter (UIPL) No. 16-20, Change 4, issued January 8,  
23 2021, DOL determines that a 15 percent fraud penalty does apply to PUA under §251 of the  
24 Trade Adjustment Assistance Extension Act of 2011 (TAAEA). As a result, PUA was removed  
25 from the 15 percent fraud penalty exception in §815.185(a) of the proposed rules to prevent a  
26 conflict with the statute.  
27

28 Subsequent to TWC's three-member Commission's approval to publish the Chapter 815 proposed  
29 rules in the *Texas Register*, and two days prior to the publication of the *Texas Register*, DOL  
30 issued UIPL No. 20-21 on May 5, 2021. UIPL No. 20-21 established that states must apply a  
31 minimum 15 percent monetary penalty, such as that found in §214.003 of the Act, to a fraudulent  
32 payment under each federal UC program, including those covered by the CARES Act. These  
33 federal UC programs include any federal temporary extension of UC and any federal program  
34 that increases the weekly amount of UC payable to individuals.  
35

36 Therefore, so as not to conflict with TAAEA, §251, TWC will operationalize §815.185(a) by  
37 assessing the 15 percent penalty that is applicable to a payment of FPUC, FRWW, MEUC,  
38 PEUC, and/or PUA. To ensure conformity, TWC will continue to monitor statutes and  
39 regulations and their interpretive rules as they pertain to §815.185(a).  
40

41 Finally, §815.184 is amended with respect to how CARES Act programs benefits will be offset.  
42 TWC will deduct 50 percent per each single deduction of the amount of FPUC, FRWW, MEUC,  
43 PEUC, or PUA otherwise payable to the claimant for a benefit overpayment. Section 303(g) of  
44 the Social Security Act requires these programs be offset to repay benefit overpayments,

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<sup>1</sup> For FPUC, see Attachment I to UIPL No.15-20; for MEUC, see UIPL 15-20, Change 3;for PEUC, see UIPL  
Attachment I to UIPL No. 17-20, Change 1; and for PUA, see Attachment I to UIPL No. 16-20, Change 2.

1 however, the US Department of Labor has limited the amount of FPUC, FRWW, MEUC, PEUC,  
2 or PUA that can be offset to 50 percent of the benefit payment. Offsetting regarding state  
3 programs such as regular state benefits is still governed by state law, including §212.006 and  
4 §214.002 of the Act, but with additional flexibility.

5  
6 Conformity with Federal Law  
7

8 Lastly, TWC adds a federal conformity provision to Chapter 815, Subchapter A. This provision  
9 ensures that if federal statutes or regulations change before TWC has a reasonable opportunity to  
10 amend its rules, that TWC will continue to operate in conformity with federal law.

11  
12 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

13 (Note: Minor editorial changes are made that do not change the meaning of the rules and,  
14 therefore, are not discussed in the Explanation of Individual Provisions.)

15  
16 SUBCHAPTER A. GENERAL PROVISIONS

17 **TWC adopts the following new section to Subchapter A:**

18  
19 §815.4. Conformity with Federal Law

20 New §815.4 provides that, notwithstanding any other provision of Chapter 815, if the US  
21 Secretary of Labor holds that a provision of Chapter 815 does not conform with federal statute or  
22 regulation, TWC may administer Chapter 815 to conform with the federal statute or regulation  
23 until it has a reasonable opportunity to amend the nonconforming provision.

24  
25 SUBCHAPTER F. EXTENDED BENEFITS

26 **TWC adopts the following new section to Subchapter F:**

27  
28 §815.175. Federal Waiver to Preserve Access to Extended Benefits

29 New §815.175 states that pursuant to Texas Unemployment Compensation Act, §209.025, if full  
30 federal funding for EB is available and TWC is permitted to reduce or eliminate the number of  
31 weeks between the end of an extended benefit period and the beginning of a new extended  
32 benefit period required by the Extended Unemployment Compensation Act of 1970,  
33 §203(b)(1)(B), TWC shall reduce or eliminate the number of weeks accordingly to maximize the  
34 receipt of any fully funded federal EB. Section 815.175 operates retroactively, if applicable.

35  
36 SUBCHAPTER G. CARES ACT PROVISIONS

37 **TWC adopts the following amendments to Subchapter G:**

38  
39 §815.180. Definitions

40 Section 815.180 is amended to add new paragraph (4), which defines MEUC as the Mixed  
41 Earner Unemployment Compensation provisions of §2104 of the CARES Act. Current  
42 paragraphs (4) and (5) are renumbered as paragraphs (5) and (6).

43  
44 §815.181. Coordination of CARES Act

45 Section 815.181 is amended to add new subsections (c) - (h), which further dictate the  
46 coordination of programs, especially how they relate to PEUC, EB, and MEUC.

1  
2 New §815.181(c) provides that if a claimant is receiving PEUC, EB, or PUA, and becomes  
3 eligible for regular compensation, the claimant must stop collecting PEUC, EB, or PUA and file  
4 a new claim for regular compensation, with the following exception: For a claimant whose  
5 regular compensation benefit year expires after December 27, 2020, if the claimant is entitled to,  
6 and has a remaining entitlement to, PEUC with respect to that benefit year, TWC shall establish  
7 a new benefit year, but defer the payment of regular compensation with respect to that new  
8 benefit year until exhaustion of all PEUC payable with respect to the prior benefit year if the  
9 individual's weekly benefit amount of regular compensation in the new benefit year is at least  
10 \$25 less than the individual's weekly benefit amount on the PEUC claim.

11  
12 New §815.181(d) provides that a claimant who is receiving EB for the week of unemployment  
13 that includes December 27, 2020, or the week ending March 13, 2021, shall not be eligible for  
14 PEUC until the individual has exhausted all rights to EB.

15  
16 New §815.181(e) states that for weeks of unemployment beginning January 3, 2021, a claimant's  
17 eligibility for EB shall be considered to include any week that begins after the individual  
18 exhausts all rights to PEUC and that falls during an EB period that began after the date the  
19 individual exhausted all rights to PEUC. This applies even if the claimant's benefit year has  
20 expired, provided the state is in an EB period as of the date the individual exhausts PEUC.

21  
22 New §815.181(f) replaces current §815.181(c). It still provides that FPUC provides for  
23 additional compensation to a claimant collecting regular compensation, PEUC, PUA, EB, a  
24 Shared Work program under Chapter 215 of the Texas Unemployment Compensation Act, Trade  
25 Readjustment Allowances (TRA), and Disaster Unemployment Assistance (DUA), and that  
26 claimants will receive FPUC payments concurrently with payments under these programs. The  
27 last sentence referencing dates for FPUC has been removed.

28  
29 New 815.181(g) provides that MEUC provides for additional compensation to a claimant  
30 collecting regular compensation, PEUC, EB, a Shared Work program under Chapter 215 of the  
31 Texas Unemployment Compensation Act, TRA, and DUA. It does not provide additional  
32 compensation to a claimant collecting PUA. Claimants will receive MEUC payments  
33 concurrently with payments under these programs.

34  
35 New §815.181(h) provides that in operationalizing these requirements, TWC may further amend  
36 the dates in §815.181 in response to federal statute or regulation.

37  
38 **§815.182. Appeals**

39 Section 815.182 is amended to add MEUC to §815.182(a) - (c).

40  
41 **§815.183. Waiver**

42 Section 815.183 is amended to remove subsection (b). References to PUA and MEUC as being  
43 federal extended unemployment compensation programs and therefore subject to §815.12 have  
44 been added.

1 **§815.184. Overpayments**

2 Section 815.184 is amended to add MEUC to subsection (a) and former subsection (c) as well as  
3 to remove the PUA waiver prohibition from subsection (b). Former subsection (c) is re-lettered  
4 to subsection (d). Subsections (a) and (b) are amended to remove the last sentence. Subsection  
5 (c) clarifies that TWC shall deduct 50 percent per each single deduction of the amount of FPUC,  
6 FRWW, MEUC, PEUC, or PUA otherwise payable to the claimant to recover an overpayment.  
7

8 **§815.185. Fraud**

9 Section 815.185 is amended to add MEUC to subsections (a) and (b) and remove PUA from  
10 subsection (a). Subsection (a) is also amended to note that its provisions stand unless otherwise  
11 conflicting with federal statute or regulation.  
12

13 TWC hereby certifies that the rules have been reviewed by legal counsel and found to be within  
14 TWC's legal authority to adopt.  
15

16 **PART III. PUBLIC COMMENT**

17 The public comment period closed on June 7, 2021. No comments were received.  
18

19 **PART IV. STATUTORY AUTHORITY**

20 The rules are adopted under:  
21

22 --Texas Labor Code, §209.025, which provides TWC with authority to adopt rules necessary to  
23 maximize the receipt of any fully federally funded extended unemployment benefits, if full  
24 federal funding of those benefits is available; and

25 --Texas Labor Code, §301.0015(a)(6), which provides TWC with the authority to adopt, amend,  
26 or repeal such rules as it deems necessary for the effective administration of TWC services and  
27 activities.  
28

29 The rules affect Texas Labor Code, Title 4.

1  
2 **CHAPTER 815. UNEMPLOYMENT INSURANCE**  
3

4 **SUBCHAPTER A. GENERAL PROVISIONS**  
5

6 **§815.4. Conformity with Federal Law.**  
7

8 Notwithstanding any other provision of this chapter, if the US Secretary of Labor holds  
9 that a provision of this chapter does not conform with federal statute or regulation, the  
10 Agency may administer this chapter to conform with the federal statute or regulation until  
11 the Commission has a reasonable opportunity to amend the nonconforming provision.  
12

13 **SUBCHAPTER F. EXTENDED BENEFITS**  
14

15 **§815.175. Federal Waiver to Preserve Access to Extended Benefits.**  
16

17 Pursuant to §209.025 of the Act, if full federal funding for Extended Benefits is available  
18 and the Agency is permitted to reduce or eliminate the number of weeks between the end  
19 of an extended benefit period and the beginning of a new extended benefit period  
20 required by §203(b)(1)(B) of the Extended Unemployment Compensation Act of 1970,  
21 the Agency shall reduce or eliminate the number of weeks accordingly to maximize the  
22 receipt of any fully funded federal Extended Benefits. This section operates retroactively,  
23 if applicable.  
24

25 **SUBCHAPTER G. CARES ACT PROVISIONS**  
26

27 **§815.180. Definitions.**  
28

29 The following definitions shall apply to this subchapter:  
30

- 31 (1) CARES Act--refers to the Coronavirus Aid, Relief, and Economic Security  
32 Act, Public Law 116 - 136; TITLE II--Assistance for American Workers,  
33 Families, and Businesses; Subtitle A--Unemployment Insurance Provisions.  
34
- 35 (2) FPUC--refers to the Federal Pandemic Unemployment Compensation  
36 provisions of §2104 of the CARES Act.  
37
- 38 (3) FRWW--refers to the Federally Reimbursed Waiting Week provisions of  
39 §2105 of the CARES Act.  
40
- 41 (4) MEUC--refers to the Mixed Earner Unemployment Compensation provisions  
42 of §2104 of the CARES Act.  
43
- 44 (5) PEUC--refers to the Pandemic Emergency Unemployment Compensation  
45 provisions of §2107 of the CARES Act.  
46



1 (6) PUA--refers to the Pandemic Unemployment Assistance provisions of §2102  
2 of the CARES Act.  
3

4 **§815.181. Coordination of CARES Act Programs.**  
5

6 (a) For a claimant who is eligible for regular compensation, including Unemployment  
7 Compensation for Federal Employees (UCFE) and Unemployment Compensation  
8 for Ex-servicemembers (UCX), the following order of payment applies:  
9

10 (1) The claimant must first apply for and receive regular compensation. The  
11 amount and duration of these benefits are as defined by the Act;  
12

13 (2) if the claimant exhausts regular compensation, the claimant may then be  
14 eligible to receive PEUC;  
15

16 (3) if the claimant exhausts PEUC and the state has "triggered on" to Extended  
17 Benefits (EB) under Chapter 209 of the Act, the claimant may then be eligible  
18 to receive EB;  
19

20 (4) if the State is not "triggered on" to EB or the claimant exhausts EB, the  
21 claimant may then be eligible to receive PUA. If the State "triggers on" to EB  
22 during the period in which the claimant is collecting PUA and the claimant has  
23 not previously exhausted entitlement to EB for the respective benefit year, then  
24 the claimant must stop collecting PUA and file for EB; and  
25

26 (5) the claimant meets the qualifications to receive Trade Readjustment  
27 Allowances (TRA), such benefits will be payable after regular compensation,  
28 PEUC, and EB if "triggered on," but prior to PUA.  
29

30 (b) For a claimant who is not eligible for regular compensation, PEUC, EB, or TRA,  
31 and who meets the federal requirements, the claimant may be eligible to collect  
32 PUA.  
33

34 (c) If a claimant is receiving PEUC, EB, or PUA, and becomes eligible for regular  
35 compensation, the claimant must stop collecting PEUC, EB, or PUA and file a new  
36 claim for regular compensation, with the following exception: For a claimant whose  
37 regular compensation benefit year expires after December 27, 2020, if the claimant is  
38 entitled to, and has a remaining entitlement to, PEUC with respect to that benefit  
39 year, the Agency shall establish a new benefit year, but defer the payment of regular  
40 compensation with respect to that new benefit year until exhaustion of all PEUC  
41 payable with respect to the prior benefit year if the individual's weekly benefit  
42 amount of regular compensation in the new benefit year is at least \$25 less than the  
43 individual's weekly benefit amount on the PEUC claim.

- 1  
2 (d) A claimant who is receiving EB for the week of unemployment that includes  
3 December 27, 2020, or the week ending March 13, 2021, shall not be eligible for  
4 PEUC until the individual has exhausted all rights to EB.  
5  
6 (e) For weeks of unemployment beginning January 3, 2021, a claimant's eligibility for  
7 EB shall be considered to include any week that begins after the individual exhausts  
8 all rights to PEUC and that falls during an EB period that began after the date the  
9 individual exhausted all rights to PEUC. This applies even if the claimant's benefit  
10 year has expired, provided the state is in an EB period as of the date the individual  
11 exhausts PEUC.  
12  
13 (f) FPUC provides for additional compensation to a claimant collecting regular  
14 compensation, PEUC, PUA, EB, a Shared Work program under Chapter 215 of the  
15 Act, TRA, and Disaster Unemployment Assistance (DUA). Claimants will receive  
16 FPUC payments concurrently with payments under these programs.  
17  
18 (g) MEUC provides for additional compensation to a claimant collecting regular  
19 compensation, PEUC, EB, a Shared Work program under Chapter 215 of the Act,  
20 TRA, and DUA. It does not provide additional compensation to a claimant collecting  
21 PUA. Claimants will receive MEUC payments concurrently with payments under  
22 these programs.  
23  
24 (h) In operationalizing these requirements, the Agency may further amend the dates in  
25 this section in response to federal statute or regulation.  
26

27 **§815.182. Appeals.**  
28

- 29 (a) A claimant may appeal an adverse FPUC, FRWW, MEUC, PEUC, or PUA  
30 determination pursuant to the provisions and timeframes of Chapter 212 of the Act  
31 and the provisions set out in §815.16 of this chapter (relating to Appeals to Appeal  
32 Tribunals from Determinations), §815.17 of this chapter (relating to Appeals to the  
33 Commission from Decisions), and §815.18 of this chapter (relating to General Rules  
34 for Both Appeal Stages).  
35  
36 (b) An employer is not a "party of interest," pursuant to §815.15(c) of this chapter  
37 (relating to Parties with Appeal Rights), to an FPUC, FRWW, MEUC, PEUC, or  
38 PUA determination and therefore does not have appeal rights. An employer may  
39 appear at an FPUC, FRWW, MEUC, PEUC, or PUA hearing to offer evidence when  
40 appropriate.  
41  
42 (c) When considering an appeal involving FPUC and/or MEUC, the Appeal Tribunal  
43 and the Commission shall look to the merits of the denial of the underlying benefit  
44 when determining eligibility for FPUC and/or MEUC payments.  
45  
46

1       **§815.183. Waiver.**

2  
3       FPUC, FRWW, MEUC, PEUC, and PUA are federal extended unemployment  
4       compensation programs and therefore subject to §815.12 of this chapter (relating to  
5       Waiver of Repayment and Recovery of Federal Extended Unemployment Compensation  
6       Overpayments).

7  
8       **§815.184. Overpayments.**

- 9  
10       (a) Unless an FPUC, FRWW, MEUC, or PEUC overpayment is otherwise recovered or  
11       waived, the Agency shall, during the three-year period after the date the claimant  
12       received the payment of FPUC, FRWW, MEUC, or PEUC to which the claimant  
13       was not entitled, recover the overpayment by deductions from any sums payable to  
14       the claimant.  
15  
16       (b) Unless a PUA overpayment is otherwise recovered or waived, the Agency shall  
17       recover the overpayment by deductions from any sums payable to the claimant. A  
18       PUA overpayment is not subject to the three-year period limitation stated in  
19       subsection (a) of this section.  
20  
21       (c) The Agency shall deduct 50 percent per each single deduction of the amount of  
22       FPUC, FRWW, MEUC, PEUC, or PUA otherwise payable to the claimant to recover  
23       an overpayment.  
24  
25       (d) If a claimant has an unemployment benefits overpayment with an appropriate agency  
26       in another state, and the Agency has a reciprocal arrangement with that other state  
27       agency under §211.004 of the Act, the Agency shall deduct 50 percent per each  
28       single deduction of the amount of FPUC, FRWW, MEUC, PEUC, or PUA otherwise  
29       payable to the claimant.  
30

31       **§815.185. Fraud.**

- 32  
33       (a) Unless otherwise conflicting with federal statute or regulation, a penalty for  
34       fraudulently obtaining benefits under §214.003 of the Act shall not apply to  
35       fraudulently obtained FPUC, FRWW, MEUC, and PEUC benefits forfeited.  
36  
37       (b) The Agency and the Commission shall examine the underlying payment or statement  
38       which precipitated the fraud determination when examining FPUC and/or MEUC  
39       fraud.  
40  
41       (c) In determining disqualification for fraud under PUA, the provisions of 20 CFR  
42       §625.14(i) shall apply.