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### **Criteria for Waiver of Overpayment**

#### **Sec. 5-156c-1. Criteria for waiver of overpayment**

(a) Section 5-156c of the General Statutes permits the Commission to waive all or part of the repayment of an overpayment when: the one to whom it was made (the "Recipient") could not reasonably have been expected to detect the error; the Commission believes that such repayment will cause hardship; and the overpayment was through no fault of the Recipient. Acting under the authority of said section the Commission will waive in whole or in part such repayment when it appears to the Commission's reasonable satisfaction that:

(1) the Recipient could not reasonably have been expected to detect the error; and

(2) the Recipient as not "at fault," that is, did not directly or indirectly falsify any information which led to the making, authorizing, or approval of overpayment(s); and

(3) the repayment by the Recipient would reduce his or her over-all income from all sources to a level that would cause hardship and would not, therefore, in good conscience and in equity, permit the repayment of the overpayment.

(b) When the Recipient wishes the Commission to waive repayment of some or all of the overpayment, on the basis of hardship, the Recipient will be required to produce his or her last two years income tax returns and the current balances of all bank accounts, unless the overpayments amounted to more than \$10,000, in which case, the Commission reserves the right to require additional information.

(c) A one time overpayment may be treated differently from overpayments made over a long period.

(d) The Commission encourages the Recipient to submit any other evidence that the Recipient feels may establish hardship. De minimus overpayments totaling \$100 or less will not be subject to recovery because, in the judgment of the Commission, such recovery would impede the efficient and effective administration of the statute.

(Effective December 21, 1987)