

FAQs

Common questions and answers

- **What is the balance of my overpayment?** This email address is for the attorneys representing the class in the lawsuit. We don't work for NM Department of Workforce Solutions, so we can't access your specific account information unfortunately. For questions about your specific UI account, please use your online portal, or contact NMDWS either by phone at 1-877-664-6984, Monday through Friday, 8am-4:30 pm, or in person at a Workforce Connections office.
- **Do I have to pay anything because of this lawsuit?** No, this lawsuit does not require you to pay anything. This lawsuit requires NMDWS to forgive certain debts and issue refunds to some impacted individuals.
- **Am I a class member in this lawsuit?** If you received a class notice from DWS about the lawsuit and settlement, it is very likely that you are a class member. We do not have access to DWS records about your UI history, so we cannot confirm that for you with 100% certainty. The main criteria is that the overpayments were in pandemic-related federal programs (not standard state unemployment), and that you did not commit fraud.
- **What if I didn't have an overpayment?** Some people received the class notice and do not remember having an overpayment of pandemic unemployment benefits. It is possible the class notice was sent in error, but we encourage you to contact NMDWS to verify whether there was ever an overpayment of pandemic UI on your account.
- **What do I have to do to be included in the class?** You don't need to do anything to be included in the class - there is no opt-in process. People who are part of the class will be getting additional communication from DWS about overpayment waivers very soon.
- **Do I need a lawyer?** Attorneys from NM Center on Law and Poverty and Ives and Flores represent the class. These attorneys only represent the class in this specific lawsuit. If you have other legal issues unrelated to waivers of pandemic unemployment benefits, you may wish to hire your own lawyer.
- **What happened at the hearing?** At the hearing on January 9, 2025, Judge Sanchez-Gagne announced her approval of the settlement agreement. She will soon issue a written order formally approving the settlement agreement. Formal approval means that the settlement agreement is legally binding on the parties.
- **When will I get my waiver and refund?** According to the terms of the settlement agreement, DWS will determine whether or not a class member is eligible for an automatic (blanket) waiver within 14 days of the court approving the settlement agreement. If you are not eligible for a blanket waiver, or if the blanket waiver only covers a portion of your overpayment, you will be notified about the individualized waiver process. Because of the large number of individuals impacted by these issues, it may take several months for every individual to receive a waiver determination and a refund check (if eligible).
- **What is the difference between a "blanket" waiver and an "individualized" waiver?** The US Department of Labor has authorized DWS to forgive overpayments automatically for certain individuals who all have in similar circumstances. These are called "blanket waivers" because they apply to large groups of people and will be given automatically to everyone who is eligible. [DWS has already started processing blanket waivers](#), so many community members have already received notice of waivers and refund checks through this process. In addition to blanket waivers, DWS will also be granting waivers

on an individual basis. Individualized waivers will be available to everyone in the class, but an additional application form will be required to request one. Even if you already received a partial blanket waiver, you may also be eligible for an individualized waiver if the blanket waiver didn't cover your whole overpayment. Class members will be notified about the individualized waiver process once DWS has completed the blanket waiver process.

- What else do I have to do?** Many people will receive refunds of any amounts paid and debt forgiveness (overpayment waiver) automatically. Some people will receive notice that they have to apply for a waiver and must have it approved to have their debt forgiven and get a refund. DWS will be in contact with you to notify you about your specific situation soon.

	Blanket Waiver	Individualized Waiver
Do I have to apply?	No application process - waivers are granted automatically.	Individuals will be required to fill out an application form.
How will I know if I get one?	DWS will inform you of the waiver and, if applicable, will provide a refund in the form of a paper check.	If your entire overpayment was not forgiven in a blanket waiver, DWS will send you information about how to apply for an individual waiver.
When will I find out if I get approved?	DWS will determine whether you are eligible for a blanket waiver in January 2025, but it may take DWS additional time to process all the waivers.	You can apply for individualized waivers for up to 2 years.
When will I get my refund?	DWS is processing blanket waivers already, and many people have already received refunds. Due to the high number of people impacted, it may still be a while for all refunds to be issued.	
Can I appeal?	If DWS determines that you are not eligible, you do not have a right of appeal.	If DWS determines that you are not eligible, you DO have a right of appeal. DWS will not attempt to recover money from you while you pursue an appeal.