

# KNOW YOUR RIGHTS:



## Pandemic Unemployment Overpayment Relief in NM

### New Mexicans deserve a strong, fair, and effective unemployment system.

The COVID-19 pandemic overwhelmed workers and the systems meant to support them, with a surge in unemployment claims and shifting federal guidelines that strained DWS's ability to process claims accurately.

**Thanks to a settlement in the *Duran v. New Mexico Department of Workforce Solutions (DWS)* class action lawsuit, over \$100 million is being forgiven or refunded to 60,000 workers who were unfairly charged for overpaid benefits during COVID-19.**

If you were negatively affected by overpayments of federal pandemic unemployment benefits, **there is relief coming.**

### Who's affected?

- Any worker in NM who received federal pandemic unemployment benefits and was notified of an overpayment.
- Legal service providers helping those who may not be aware of this important change.

### What's next?

- Update your contact information, especially your mailing address, with DWS as soon as possible.
- If you qualify, overpayment of federal pandemic unemployment benefits will be forgiven. Some will be forgiven automatically, but some may need an individualized waiver.
- If you have already repaid your overpayment, you will receive a refund by mail.
- No more collection actions on federal pandemic overpayments, such as liens, deductions from future benefits, or tax refund interceptions.
- Spread the word to others who may have been impacted.

### Waivers

When requesting a waiver for the overpayment, you must answer two questions.

#### What is the reason for the request for waiver of the overpayment?

Explain why the overpayment occurred. Many were caused by mistakes made by DWS, such as using incorrect tax information or failing to evaluate documents properly. If you're unsure, explain that you followed the instructions and provided accurate information.

#### Will paying this overpayment to the New Mexico Department of Workforce Solutions cause a financial hardship?

If repaying the overpayment would cause financial hardship, describe how. Examples include having little savings, difficulty covering basic living expenses, having medical costs, being behind on bills, or losing assets like your home or vehicle due to the pandemic. Be sure to include all reasons why repayment would financially harm you.

#### Where can I learn more?

Visit [nmpoertylaw.org/ui](http://nmpoertylaw.org/ui) for full details on the settlement and how to check if you're eligible for relief.