

Frequently Asked Questions

- **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 received communication from DWS about overpayment waivers.
- **Do I have to pay anything because of this lawsuit?** No, this lawsuit does not require you to pay anything. This lawsuit requires DWS to forgive certain debts and issue refunds to some impacted individuals.
- **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 then issued a written order formally approving the settlement agreement. Formal approval means that the settlement agreement is legally binding on the parties.
- **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 unemployment 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 is the balance of my overpayment?** This website is managed by the attorneys representing the class in the lawsuit. We don't work for the NM Department of Workforce Solutions, so we can't access your specific account information unfortunately. For questions about your unemployment account, please use your online portal, or contact DWS either by phone at 1-877-664-6984, Monday through Friday, 8am-4:30 pm, or in person at a DWS or America's Job Center office.
- **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 DWS to verify whether there was ever an overpayment of pandemic unemployment on your account.
- **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 are all 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 completed the blanket waiver process, and many individuals have already received notice of waivers and refund checks through this process. In addition to blanket waivers, DWS is also granting waivers on an individual basis. "Individualized waivers" will be available to everyone in the class, but an additional application form is 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 were notified about the individualized waiver process after DWS completed the blanket waiver process.

- **When will I get my waiver and refund?** DWS has already completed the blanket waiver process, and many people have already received their refunds through that process. Now DWS is accepting applications for individualized waivers. If you apply for an individualized waiver and it is approved, you should receive a refund (if any) within a few weeks of your application being submitted.

	Blanket Waiver	Individualized Waiver
How do I know if I am eligible?	DWS informed individuals if DWS determined they were eligible for a blanket waiver. Notices were sent either to mailing addresses or via email.	DWS sent information about how to apply for an individual waiver. You may be eligible for an individualized waiver if 1) your overpayment was not your fault, and 2) it would be a financial hardship to repay it.
How do I apply?	No application process - waivers were granted automatically.	Individuals are required to fill out an application form. You can apply online through your UI portal, over the phone by calling 1-877-664-6984, or in person at a DWS or America's Job Center office. There are two simple questions to answer, and the whole application only takes a few minutes.
What is the deadline to apply?	N/A	Individual waiver applications will be accepted at least until January 8, 2027.
When will I find out if I get approved?	DWS has already completed this process. If DWS didn't communicate with you about a blanket waiver, you most likely did not receive one. You can check with DWS to see whether or not you received a blanket waiver.	You will receive a letter from DWS stating whether your waiver application was approved within 2 weeks of submitting your application.
When will I get my refund?	DWS has mailed out most refunds due to blanket waivers already, but many were returned to DWS as undeliverable. If you are expecting a refund check, you should get in touch with DWS to make sure that your mailing address is up to date in their system.	If you are entitled to a refund due to an approved individualized waiver, your refund check will be mailed to you within a few weeks of your application being approved. If you received notice that your individualized waiver was approved and you were expecting a refund and haven't received it yet, you should contact DWS to confirm that you are getting a refund, and to make sure that your address is up to date in their system.
Can I appeal?	If DWS determines that you are not eligible for a blanket waiver, you do not have a right of appeal.	If DWS determines that you are not eligible for an individualized waiver, you DO have a right of appeal.

		DWS will not attempt to recover money from you while you pursue an appeal. Instructions for appealing a denial of an individualized waiver application are located on the denial notice.
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- **My claim is locked. What do I need to do?** DWS has locked the claims of many individuals due to online activity that DWS thought was suspicious, to prevent fraud and identity theft. DWS has notified individuals with locked claims. If your claim is locked, you will not be able to update your contact information, apply for and receive a waiver, or receive a refund. To unlock your claim, you will need to provide information or documentation about your identity to DWS directly. Follow the instructions on the notice that you received, or contact DWS at 1-877-664-6984.
- **I no longer have access to my online unemployment portal.** DWS technical assistance can help you reset your password and regain access to your online portal. If your claim is locked (see above) you may need to present identification in person at a DWS office before you regain access to your online portal. Call DWS technical assistance at 1-877-664-6984 for issues relating to your portal.
- **Where can I get more information and assistance with this process?** If you have questions about your overpayment balance, the status of your waiver application or refunds, DWS will have the most up-to-date information about your unemployment account. If you have received information from DWS that seems inaccurate, or if you have questions about the application process, waiver criteria, or legal questions about the lawsuit, you can contact class counsel at NM Center on Law and Poverty or Ives and Flores.