**787 KAR 1:190. Recoupment and recovery.**

RELATES TO: KRS 341.415
STATUTORY AUTHORITY: KRS 151B.020, 341.115(1), 341.415(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 341.115(1) authorizes the secretary to promulgate administrative regulations necessary or suitable for the proper administration of KRS Chapter 341. KRS 341.415(1) limits recoupment and recovery in the discretion of the secretary and in cases of benefits overpaid as a result of "office error". This administrative regulation establishes the actions and instances which shall constitute "office error" and which shall otherwise limit recovery and recoupment.

Section 1. The following shall constitute "office error" in the payment of benefits:
(1) Errors in computing the benefit rate;
(2) Incorrect weekly payment due to a failure to consider a deductible amount that was properly reported by a claimant;
(3) Payment beyond the expiration of the benefit year;
(4) Payment in excess of the maximum benefit amount;
(5) Payment under an incorrect program;
(6) Retroactive notice of nonmonetary determinations, except that a determination that the claimant has committed fraud shall not be considered office error;
(7) Monetary redeterminations;
(8) Payment during a period of disqualification;
(9) Payment to a wrong claimant; or
(10) Erroneous payments resulting from human error in the data entry process.

Section 2. Overpayments that result from office error or that in the discretion of the secretary shall be collected solely through deduction from future benefits shall not be subject to the filing of a lien or reporting to credit reporting agencies. (22 Ky.R. 479; Am. 911; eff. 11-6-95; 32 Ky.R. 544; 870; eff. 12-2-2005; 33 Ky.R. 2189; 3188; eff. 5-4-07; 35 Ky.R. 400; 821; eff. 10-31-08; Crt eff. 2-24-2020.)