

Unemployment Overpayment Waiver Requests

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Overview

Receiving a notice from the Massachusetts Department of Unemployment Assistance demanding repayment of thousands of dollars in benefits you already spent is disorienting. The notice arrives with a specific dollar amount, a deadline, and the implicit message that this is settled. It is not. For many claimants, the notice also carries the threat of wage garnishment or tax refund offset, compounding the financial pressure before they understand their options. Massachusetts law provides a formal waiver process for claimants who received benefits without fault and for whom repayment would cause genuine financial hardship. The legal standard is specific: the overpayment must not have resulted from fraud or willful misrepresentation, and requiring repayment must be contrary to equity and good conscience. Most claimants never learn that this option exists. They either begin making payments they cannot afford or ignore the notice entirely, both of which create worse outcomes than pursuing the waiver process with proper documentation and legal support.

How We Help with DUA Overpayment Waiver Requests

We tell our clients that the waiver request itself is a legal argument, not a form letter. The DUA evaluates each request against defined statutory criteria, and presentations that fail to address those criteria directly are routinely denied. Our approach to overpayment waiver representation includes:

- Reviewing the DUA's overpayment determination for calculation errors, misapplied eligibility periods, or procedural defects that may reduce or eliminate the asserted overpayment before the waiver analysis begins
- Building the "without fault" showing by documenting that the claimant provided accurate information, followed DUA instructions, and had no reason to believe benefits were paid in error
- Assembling financial hardship evidence, including income documentation, household expenses, medical obligations, and other factors demonstrating eligibility for a hardship waiver of the unemployment overpayment
- Preparing and filing the formal waiver request with supporting documentation tailored to the specific statutory standards that the DUA applies
- Representing clients in hearings when waiver requests are denied and the matter proceeds to the appeals process
- Evaluating alternative resolutions, including negotiated payment plans, when a full waiver is unlikely but reduced repayment terms are achievable

Why Clients Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined

execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our Employment and Labor Law work, this approach helps clients navigate unemployment overpayment disputes with clarity, efficiency, and confidence.

Our Approach to Unemployment Repayment Waiver Cases

The DUA applies a two-part test when evaluating waiver requests under Massachusetts General Laws Chapter 151A, §69(a). The claimant must demonstrate the absence of fault in causing the overpayment, and repayment must be shown to be contrary to equity and good conscience. We prepare each element independently, because a strong hardship showing cannot overcome a fault finding. Our attorneys are familiar with how DUA hearing officers weigh financial documentation and evaluate the "good faith" component, particularly in cases involving COVID-era pandemic unemployment assistance, where federal program complexity contributed to widespread overpayment determinations that claimants did not cause.

Representing Clients Throughout Massachusetts and Rhode Island

Claimants sometimes assume that geographic distance from the DUA or from an attorney's office will prevent them from getting help with a waiver request. That assumption costs people

viable claims. Cohen Cleary represents clients in unemployment overpayment waiver matters throughout Massachusetts and Rhode Island, with offices in [Taunton](#) and [Plymouth](#). Our attorneys handle DUA proceedings across southeastern Massachusetts, Bristol County, Plymouth County, Norfolk County, and the Greater Boston area. Because DUA hearings are frequently conducted by telephone, claimants from any part of the Commonwealth can work with our team without the added burden of travel during an already stressful process.

Speak with an Unemployment Overpayment Waiver Attorney

If you received a DUA overpayment notice, the deadline to act may be shorter than you expect. Contact Cohen Cleary to discuss your waiver options and understand whether your situation meets the statutory criteria for relief. Call our offices in [Taunton](#) or [Plymouth](#) to schedule a consultation.

Frequently Asked Questions About Unemployment Overpayment Waivers

Can I get my unemployment overpayment waived in Massachusetts?

Yes. Massachusetts law allows the DUA to waive unemployment repayment when two conditions are met: the claimant was not at fault in causing the overpayment, and requiring repayment would be contrary to equity and good conscience. “Without fault” means you did not commit fraud, make willful misrepresentations, or knowingly accept benefits you were not entitled to receive. The equity and good conscience standard considers your current financial circumstances, including whether repayment would deprive you of necessities or create undue hardship.

What if I already started making payments on my DUA overpayment?

Making partial payments does not waive your right to request a waiver. Many claimants begin paying because the notice creates urgency, and they believe they have no other option. You can still file a waiver request even if payments have been made. If the waiver is granted, amounts already repaid may be recoverable depending on the circumstances.

Are COVID-era unemployment overpayments eligible for waiver?

Many pandemic-era overpayment determinations are strong waiver candidates. The complexity of federal programs like Pandemic Unemployment Assistance and Federal Pandemic Unemployment Compensation created confusion for claimants and agencies alike. Where claimants applied in good faith based on available guidance and the DUA later determined ineligibility, the “without fault” element is often satisfied. Significant numbers of these overpayment demands remain outstanding, and waiver provisions apply to them.

What happens if my waiver request is denied?

A denied waiver request can be appealed. The unemployment overpayment appeal process includes a hearing before a DUA review examiner, where you can present evidence and testimony supporting both the fault and hardship components of your request. If the appeal is unsuccessful, payment plan negotiations remain available to structure repayment in

manageable installments rather than a lump sum demand.