



IDAHO INDUSTRIAL COMMISSION

PO Box 83720
Boise, ID 83720-0041
(208) 334-6000 - FAX (208) 334-2321
1-800-950-2110

COMMISSIONERS
Thomas P. Baskin, Chairman
Aaron White
Thomas E. Limbaugh

BRAD LITTLE, GOVERNOR

Mindy Montgomery, Director

June 10, 2020

RE: Procedure for Recovery of Overpayments

This notice serves to describe the process by which Employer / Surety may recover voluntary payments made to Claimant which are determined to be in excess of what was rightfully owed. Idaho Code § 72-316 allows such payments, subject to the approval of the Commission, to be deducted from the amount yet owing, provided, however, that the deduction is made by shortening the duration of weekly income payments, rather than by reducing the amount of weekly income payments.

In order to apply an overpayment as a credit against an amount yet due, Surety must seek the Commission's prior approval [see *Melendez v. Con Agra Foods/Lamb Weston*, 2015 IIC 0038 (2015)]. Prior approval must be requested by the simultaneous submission of a Notice of Change of Status to Claimant, in accordance with Idaho Code 72-806, and to the Commission in accordance with IDAPA 17.01.01.801.05. Such request will be deemed approved by Benefits Department staff as a purely ministerial function but subject to subsequent review.

This recovery process necessitates that the Notice of Change of Status requesting prior approval must continue to be submitted to the Commission on paper even after the implementation of EDI Claims Release 3.0 on November 4, 2017. Prior approval requests may be submitted either through US Mail or as an electronically scanned document sent via email to changeofstatus@iic.idaho.gov. Further details will be included in the Idaho EDI Claims Release 3.0 Implementation Guide.

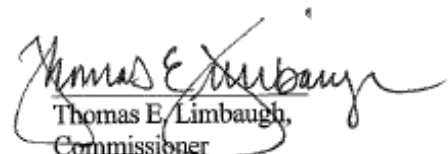
In the event that an overpayment is determined on a claim where no further income benefits are currently due, Employer / Surety will have no statutory basis from which to recover the overpayment and may not exercise any collection actions against the Claimant under another court's jurisdiction.

The above is not new law, but is an agency interpretation of existing law. Further questions can be directed to:

Richelle Flores, Benefits Program Analyst
richelle.flores@iic.idaho.gov
(208) 334-6010


Thomas P. Baskin,
Chairman


Aaron White,
Commissioner


Thomas E. Limbaugh,
Commissioner



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