**Section 2835.5 Amounts Recoverable by Recoupment**

a) Benefits paid under state law subject to recoupment:

1) The entire amount of benefits previously paid to a claimant later found ineligible pursuant to a reconsidered Finding or reconsidered Determination, or pursuant to a Decision of a Hearings Referee or of the Director under Section 604 of the Act, which modifies or sets aside a Finding or Determination or a reconsidered Finding or reconsidered Determination. To the extent allowed by law, such benefits will be recouped from future State or federal benefits payable to a claimant as set forth in Table A. For purposes of this Section only, if the Board of Review remands a case to the Hearing Referee who then decides that the claimant is ineligible for benefits, such Decision shall make any benefits for which the claimant is then ineligible subject to recoupment.

EXAMPLE: The Referee affirms a Determination by an Adjudicator holding a claimant eligible for benefits which have been paid to the claimant. Upon appeal, the Board of Review remands the case back to the Referee who then sets aside the Adjudicator's Determination and holds the claimant ineligible. The benefits for which the claimant was overpaid are now subject to recoupment.

2) Benefits paid to a claimant for weeks with respect to which he or she received wages by reason of a back pay award made by a governmental agency or pursuant to arbitration proceedings or by reason of payment of wages wrongfully withheld by an employing unit.

b) Benefits paid under federal programs subject to recoupment:

1) Benefits paid to UCFE-UCX claimants who have been found ineligible to receive such benefits in a reconsidered Finding or Determination, or in a Decision of a Hearings Referee or the Director, may be recouped from either future UCFE-UCX benefits, or State or other federally funded benefits payable to such claimant.

2) Recoupment of benefits paid to ineligible claimants under other federal programs administered by the Director shall be governed by the applicable federal law.

c) Waiver of Recoupment − Recoupment from future benefits referred to in subsections (a) and (b) may be waived from week to week in the manner provided in Section 2835.30 of this Part.

(Source: Amended at 32 Ill. Reg. 18978, effective December 1, 2008)