

COMPENSATION PRACTICE AND QUALITY DEPARTMENT

PRACTICE DIRECTIVE # C7-3

TOPIC: Overpayments
ISSUE DATE: April 18, 2008, Amended June 3, 2010

Objective

This practice directive provides guidance to WorkSafeBC officers on identifying and collecting recoverable overpayments. In particular, it provides direction on the following topics:

- A. Non-recoverable overpayments
 - 1) Decisional errors
 - 2) Provisional rates
- B. Recoverable overpayments
 - 1) Administrative errors
 - 2) Fraud or misrepresentation
 - 3) Statutory errors
- C. Multiple errors (employer reports incorrect information)
- D. Overpayments to health care providers
- E. Collection process
- F. Limitation period on collecting debts
- G. Interest charges on overpayments
- H. Relief of costs
- I. Underpayments
- J. Reviews and appeals of overpayments

Appended to this practice document is a decision flow chart and summary table.

Law & Policy

Section 15 of the *Workers Compensation Act* (the “Act”) provides a general rule against declaring assignments, charges or attachments of compensation payable under the *Act* and an exception for money owing to the accident fund. This exception provides WorkSafeBC the authority to deduct from compensation benefits money owed to it by the person receiving the benefits.

Chapter 7 of the *Rehabilitation Services and Claims Manual*, Vol. II (“RSCM”) describes situations where money owing to WorkSafeBC can be collected. RSCM Policy item #48.41¹ defines an overpayment as “any money paid out by the Board to a payee as a result of an administrative error, fraud or

¹ *When Does an Overpayment of Compensation Occur?*

misrepresentation by the worker, or where the decision was not one within the statutory authority of the Board.”

Policy explains the distinction between errors that result in recoverable overpayments and those that do not. According to Policy item #48.41, it is the type of error that led to the “overpayment” that determines whether or not the funds can be recovered.

Adjudicative Guidelines

To determine whether an overpayment is recoverable, policy requires that WorkSafeBC officers consider the reason excess money was paid and categorize the circumstance as one of the following types of error.

(A) Overpayments that are NOT Recoverable

1) Decisional Errors

Decisional errors are errors related to judgment and generally involve an entitlement decision that is modified or reversed by a later decision.

Decisional errors include:

- Errors of policy such as applying a relevant policy incorrectly or failing to apply an applicable policy²,
- Cases where evidence is re-weighed, or new evidence is considered, resulting in a change to a decision, and
- Cases where information that was available but overlooked at the time of the original decision instigates a change in that decision.

Examples of Decisional Errors

A decisional error occurs where a WorkSafeBC officer incorrectly categorizes a worker for wage rate setting purposes. For example, a worker is injured while employed under a short-term temporary contract and the officer determines the worker’s earnings will be calculated in accordance with the casual worker exception (section 33.5 of the *Act*). The evidence collected with respect to the worker’s earnings does not demonstrate an “unpredictable, sporadic or transitory” pattern of employment.³ In the 12-month period preceding the date of injury the worker had relatively continuous employment in the form of one short-term contract after another. The officer made a decisional error in choosing to apply the casual worker exception, since the worker’s average earnings should have been calculated under the general rule.

² See RSCM Policy item #C14-103.01, *Changing Previous Decisions - Reconsiderations*

³ RSCM Policy item #67.10, *Casual Pattern of Employment*

A decisional error would also result where temporary disability benefits are paid to a worker who had already returned to work fulltime, based on a decision that the worker was entitled to compensation for that period. The fact that the entitlement decision was incorrect and the worker should not have received the wage loss benefits does not change the type of the error from being one of a decisional nature to being administrative or statutory.⁴

For example, this may happen where a worker returns to work on a Wednesday but the officer has decided the worker is entitled to wage loss benefits for the entire week without realizing the worker was returning to work part-way through the week⁵. The worker's usual work schedule is Monday to Friday. The wage loss payment is made to the worker on the Sunday for the entire preceding two week period. After receiving the payment, the worker calls to advise that he had actually returned to work the previous Wednesday. Because less than 75 days have passed since the officer decided the worker was entitled to wage loss benefits for the entire week, the officer is able to reconsider that decision.⁶ As a result, the system calculates an overpayment for the three days of wage loss benefits paid after the worker returned to work (i.e. Wednesday to Friday). This overpayment resulted from the officer changing his or her decision about the worker's entitlement to wage loss benefits and is classified as a non-recoverable decisional error. RSCM Policy item #48.41 confirms that decisional errors include "*situations where new information is later received which initiates a judgment change in the original decision.*"

If more than 75 days (plus an eight-day mailing period)⁷ have elapsed since the payment was made, the entitlement decision cannot be reconsidered. In that case, the new evidence regarding the worker's return to work would not be recorded in the RTW Calendar, because doing so would change the officer's previous entitlement decision. Since the decision cannot be reconsidered, the RTW Calendar is not updated and no overpayment is produced.

In some cases it will be the CMS system itself that has decided entitlement and mistakenly paid the worker for a period of time after the worker has returned to work. This constitutes a decision in the same manner as if an officer had decided entitlement and certified the payment. In order to update the RTW Calendar to reflect the worker's return to work, an officer would need to reconsider the system's decision (i.e. 75-day rule applies) and a non-recoverable overpayment would be produced.

Where a worker has been back at work for some time but is continuing to receive wage loss benefits and has not told WorkSafeBC he or she has returned to work,

⁴ Please note that if the incorrect decision is the result of fraud or misrepresentation by the worker, an overpayment is recoverable. Please see Part (B) of this document.

⁵ The entitlement decision is evidenced by the officer setting up and certifying the wage loss payment for the entire week.

⁶ To complete a reconsideration of his or her earlier entitlement decision, the officer enters a RTW event into the RTW Calendar for the previous Wednesday.

⁷ See RSCM Policy item #99.20, *Notification of Decisions*, for details.

the worker's actions may constitute fraud or misrepresentation. If fraud or misrepresentation is established, the officer can set aside the decision that the worker is entitled to wage loss for the period after he or she returned to work, since the entitlement decision was premised on the worker's misrepresentation of ongoing temporary disability. RSCM Policy item #93.40, *Working While Receiving Wage-Loss Benefits*, confirms that "a worker is obliged to report to the Board any earnings which are received while being paid wage-loss benefits." An overpayment resulting from a worker's fraud or misrepresentation is recoverable. See section (B)(2) below for further details.

Correcting Decisional Errors

After a decisional error is discovered, there are two considerations:

- 1) Can the decisional error be corrected?
- 2) If the error can be corrected, what is the effective date of the correction, and what is the outcome of the correction?

Can the Decisional Error Be Corrected?

In order to correct a decisional error, the officer needs to be able to reconsider the decision and make a new decision that varies or cancels that original incorrect decision. The grounds for reconsideration include mistakes of evidence or new evidence indicating that a prior decision was made in error, as well as errors of law and/or policy.⁸ Section 96(5) of the *Act* places limits on an officer's ability to reconsider decisions. A decision cannot be reconsidered if more than 75 days have elapsed since the decision was made or if a review or appeal has been initiated.

If the officer is able to reconsider the decision, the decisional error can be corrected. If the officer is not able to reconsider the decision, the decision stands pending a review or appeal of the decision and the officer is not able to correct the error.

What is the Effective Date of the Correction?

The effective date of the correction is the date of the original decision that is being reconsidered. Reconsiderations have retroactive effect since the new decision replaces the reconsidered decision.

⁸ RSCM Policy item #C14-103.01, *Changing Previous Decisions – Reconsiderations*, and PD #C14-2, *Reconsiderations*

What is the Outcome of the Correction?

The outcome will depend on whether the correction results in an underpayment or an overpayment.

Underpayments

- If the reconsideration results in the worker being entitled to more benefits than have so far been paid (an “underpayment”), that amount is paid to the worker without delay.

Overpayments

- If the reconsideration results in the worker being entitled to less compensation than has been paid, the excess funds are not collected since decisional errors do not result in recoverable overpayments. However, the employer is relieved of these costs.⁹

2) Provisional Rates

Where there is a delay in obtaining the information necessary to determine a worker’s average earnings, the WorkSafeBC officer may set a provisional rate. If the provisional rate is higher than the final wage rate set on the claim, any excess payment resulting from the difference in rates is not collected.

Provisional rates do not result in recoverable overpayments except in the case of an administrative error or where the wage rate decision was based on fraud or misrepresentation by the worker.¹⁰ For information on relieving employers of the costs associated with a provisional rate that is higher than the actual rate set, see Section (H), *Relief of Costs*, below.

(B) Recoverable Overpayments

There are three types of errors that lead to recoverable overpayments:

- 1) Administrative Errors
- 2) Fraud or Misrepresentation, and
- 3) Statutory Errors.

⁹ Incorrect decisions due to fraud/misrepresentation or involving statutory errors do result in recoverable overpayments. Please see Part (B) of this document.

¹⁰ RSCM Policy item #65.04, *Provisional Rate*

1) Administrative Errors

Administrative errors are procedural in nature and include:

- Clerical errors
- Typographical errors, and
- Mathematical errors.

Administrative errors are mistakes made by WorkSafeBC officers in implementing decisions and therefore arise after a decision has been made, rather than in the process of making a decision.

Examples of Administrative Errors

Examples of administrative errors include the following:

- A worker is employed at two jobs at the time of injury. The WorkSafeBC officer combines the earnings from both jobs in order to set the worker's wage rate but makes a mathematical error when adding the earnings figures. As a result, the worker is paid wage loss benefits at a higher wage rate than he/she is entitled to. The error in this case is administrative and the officer should correct the mistake when it is discovered. To correct the error the officer sets a new wage rate based on the revised calculations of the worker's earnings. This is not a reconsideration of the wage rate decision, but rather a correction of an error that occurred in implementing that decision.
- Two claims are mistakenly started for the same injury and, as a result, the worker is paid twice for the same period of time missed from work.
- An administrative error is considered to have occurred where benefits have been sent to the wrong payee. Paying benefits to the wrong payee is an error in implementing the entitlement decision. Where benefits have been paid to the wrong payee, a payment is issued to the correct payee and the overpayment is recovered from the incorrect payee.¹¹
- Vocational rehabilitation ("VR") benefits are paid using a "current provisions" wage rate based on 90% of the worker's net earnings, but the officer had decided VR entitlement would be adjudicated under the "former provisions." In this case, the error occurred in implementing the decision that the "former provisions" applied to the adjudication of VR, since the VR

¹¹ The claim owner asks the incorrect payee to return the cheque to WorkSafeBC and updates the RTW Calendar with the correct event, which then generates a payment to the correct payee and an overpayment for the incorrect payee. The returned cheque can then be applied against the overpayment.

benefits should have been paid using a “former provisions” wage rate based on 75% of the worker’s gross earnings.

- Where a permanent disability award is not properly reconciled with VR or wage loss payments, the resulting overpayment is recoverable. Where the wage rate used to pay VR or wage loss benefits should have been adjusted to take account of the permanent disability award¹² and wasn’t, the failure to adjust the rate is an administrative error. The worker’s total entitlement (temporary and permanent benefits combined) is limited by that worker’s wage rate. Where there is a pension deduction error, the payments made to the worker do not reflect the entitlement decisions on the claim because the worker received temporary benefits (wage loss or wage loss equivalency) and permanent disability benefits for the same condition at the same time. Adjusting the wage rate to reflect the pension does not change the entitlement decisions on the claim, but instead gives effect to those previous decisions by correcting the implementation error.

Correcting Administrative Errors

Administrative errors can be corrected at any time and the correction is effective back to the date of the error. Retroactively correcting an administrative error is not considered reconsideration, because doing so does not change the intent of any previous decisions made by WorkSafeBC.¹³ Rather, correcting an administrative error ensures the decision in question has been implemented correctly. Because correcting administrative errors does not involve changing previous decisions of WorkSafeBC, the limits associated with changing previous decisions (for example, the 75-day reconsideration rule) are not applicable.

If a worker has been paid more than he/she was entitled to due to an administrative error, the excess payment is collected as a recoverable overpayment. In retroactively correcting an administrative error the officer is not redetermining the worker’s benefit entitlement, nor giving retroactive effect to a new decision about entitlement, but is ensuring the amount of benefits paid corresponds with the entitlement decisions on file.

¹² RSCM Policy item #42.10, *Commencement of Periodic Payments*

¹³ RSCM Policy item #C14-103.01

2) Fraud or Misrepresentation

Section 96(7) of the *Act* states that an officer may at any time set aside any decision made by WorkSafeBC if that decision resulted from fraud or misrepresentation of the facts or circumstances upon which the decision was based. The misrepresentation must be more than innocent misrepresentation. RSCM Policy item #C14-104.01, *Changing Previous Decisions – Fraud and Misrepresentation*, explains that the misrepresentation must have been made knowing it to be wrong, or with reckless disregard as to its accuracy, and includes concealing information as well as making false statements.

Setting aside a decision that was based on fraud or misrepresentation is different than reconsidering a decision. The limits that apply to changing previous decisions have no application in cases of fraud or misrepresentation. The *Act* explicitly allows WorkSafeBC to set these decisions aside and the effect is to treat the matter as though the decision was never made. The presumption against retroactivity, which underlies the policies on overpayments, cannot be interpreted to protect a worker who has improperly influenced a decision or misrepresented relevant facts used to determine benefit entitlement. Where benefits have been paid as a result of a decision based on fraud or misrepresentation, that amount is collectible as a recoverable overpayment.

3) Statutory Errors

A statutory error involves a clear contradiction between a specific provision in the *Act* and a decision made by a WorkSafeBC officer. Statutory errors occur where officers make decisions clearly not contemplated or allowed by the legislation.

Where an officer has made a decision appropriately exercising discretion provided in the *Act* or RSCM policies, and then, at a later date, the officer determines that the decision was flawed, that does not constitute a statutory error. Errors related to the weighing of evidence or the exercising of discretion are decisional errors, not statutory errors.

A decision falling within WorkSafeBC's statutory authority is not invalid simply because it is incorrect. An officer may incorrectly apply law and policy in reaching a decision without that decision being outside the statutory authority of WorkSafeBC. A statutory error is where an officer makes a decision that is outside the scope of WorkSafeBC's legislative mandate because it contravenes an express provision or requirement of the *Act*. It is the *Act*, and not the RSCM, that determines WorkSafeBC's statutory authority. A statutory error occurs rarely and in most cases will be obvious.

Examples of Statutory Errors

Although this list is not exhaustive, the following are the most common examples of statutory errors:

- Members of the regular force of the Canadian Forces or RCMP are excluded from coverage (see section 3 of the *Government Employees Compensation Act (Canada)*). Where a WorkSafeBC officer mistakenly accepts a claim for an RCMP or Canadian Forces member, a recoverable overpayment is declared with respect to any benefits paid.
- Section 5(2) of the *Act* provides that wage loss compensation is payable from the first working day following the day of injury. WorkSafeBC does not have the statutory authority to pay compensation (other than health care benefits) for the day of injury and therefore, if wage loss benefits are mistakenly paid for the day of injury or days prior to the day of injury, the funds are collected as a recoverable overpayment.¹⁴
- Cost of living adjustments (“COLA”) are calculated annually and applied on January 1st of each year to periodic payments of compensation made in respect of an injury or death that occurred more than 12 months prior to the date of adjustment (section 25 of the *Act*). If an officer mistakenly applies COLA other than on January 1st or applies COLA to a claim where the injury occurred less than 12 months before the adjustment date, the resulting excess payment is a recoverable overpayment.
- Section 33.1 of the *Act* requires WorkSafeBC to conduct an average earnings review if a worker’s disability continues beyond the initial payment period, which is defined as ten weeks of compensation payable. Where the 10-week average earnings review is missed and benefits have been paid at the initial rate following the 10-week period, the review is conducted as soon as the officer notices the error. WorkSafeBC has authority to pay compensation at the initial wage rate only during the initial payment period, and therefore failing to conduct the rate review at the prescribed time, results in a payment being made that is outside the statutory authority of WorkSafeBC. If the initial rate is higher than the long-term rate, the failure to conduct the mandatory rate review results in a recoverable overpayment.

Correcting Statutory Errors

In the case of a statutory error, the officer did not have the legal authority to make such a decision. As a result, when the error is discovered, the decision is

¹⁴ See PD #C5-2, *Commencement of Payments*, for further information on determining the commencement of disability benefits and what constitutes the first working day following the day of injury.

set aside. Similar to decisions based on fraud/misrepresentation, decisions involving statutory errors are not reconsidered. Rather, these unsupportable decisions are set aside as though they were never made and the error is corrected retroactively. If a worker has been paid more than he/she was entitled to because of a statutory error, the excess amount is collected as a recoverable overpayment.

(C) More than One Error Contributed to Overpayment

In some cases, more than one error may have contributed to the overpayment being made. For example, both an administrative error and a decisional error may have occurred on a claim. Officers should consider which error was the more significant cause of the overpayment in order to determine whether the overpayment is recoverable or not.

In situations where one of the errors was made by WorkSafeBC and a second error was made by another party, it is the nature of the WorkSafeBC officer's error that determines whether or not an overpayment can be collected. In making adjudicative decisions, officers consider information reported and gathered from various sources. If the party reporting information makes an administrative error and the WorkSafeBC officer accepts that evidence and relies on it in making a decision, any overpayment that results is not recoverable. In such circumstances the error made by the officer involves weighing evidence and is decisional. The fact that the officer was acting in good faith in accepting the reported information, or that the error in the reported information was not obvious, is irrelevant. However, since the inaccurate information will generally not be the sole piece of evidence contained in the claim file, in most cases the factual error will be reasonably apparent to the officer.

For example, if an employer accidentally reports earnings information of a co-worker of the injured worker, and the WorkSafeBC officer bases the wage rate (general rule) on that incorrect information, the wage rate contains a decisional error. The employer made an administrative mistake by reporting the co-worker's earnings but that is irrelevant to the determination of whether an overpayment can be declared. The WorkSafeBC officer accepted the earnings information as legitimate and consequently set an inaccurate wage rate. Because the wage rate error is decisional, any overpayment would not be recoverable.

(D) Overpayments to Health Care Providers

A recoverable overpayment may result from WorkSafeBC incorrectly paying a health care benefit. When money has been incorrectly paid to a health care provider, determining whether or not the funds can be recovered involves the same consideration as when money has been incorrectly paid directly to a

worker; it depends on the type of error involved. If the health care provider was overpaid as the result of an administrative error, fraud/misrepresentation, or a statutory error, the funds are recoverable. If the excess payment was the result of a decisional error, it is not recoverable. Recoverable overpayments made to health care providers are collected by making a deletion from future payments. Overpayments of health care benefits will not be collected from the worker unless the benefits were paid directly to the worker.¹⁵

(E) How to Collect a Recoverable Overpayment

Where a recoverable overpayment is identified, the WorkSafeBC officer documents the overpayment in a memo and completes a Claims Overpayment Transfer Advice (“COTA”) form. The COTA notifies the Assessments Department to relieve the employer of the costs, regardless of whether the funds are successfully collected or not.

If the worker is still receiving temporary disability payments at the time the recoverable overpayment is identified, the amount of the overpayment is deducted from those ongoing payments. Generally overpayments are collected by installments to minimize hardship caused to the worker. Policy does not require the recovery of overpayments under \$50 except in cases of fraud or misrepresentation.

If there are no payments being made on the claim at the time the overpayment is identified, collection of the overpayment follows the process set out in RSCM Policy item #48.42. Outstanding overpayments may be collected if further compensation becomes payable on the claim or if a new claim is established for the same worker.¹⁶ Overpayments may also be recovered from permanent disability awards granted to the worker¹⁷ and, in exceptional cases, from vocational rehabilitation benefits.¹⁸ An overpayment is not collected from a party who has declared bankruptcy.¹⁹

¹⁵ RSCM Policy item #48.42, *Recovery Procedures for Overpayments*, & RSCM Policy item #48.41

¹⁶ RSCM Policy item #48.43, *Recovery of Overpayments on Reopening or New Claims*

¹⁷ RSCM Policy item #48.44, *Deduction of Overpayments from Permanent Disability Awards*

¹⁸ RSCM Policy item #48.45, *Deduction of Overpayments from Vocational Rehabilitation Awards*

¹⁹ RSCM Policy item #48.43

(F) Six Year Limitation on Collecting Debts

Debts are generally not collected where six years have expired since the right to collect the debt arose.²⁰ This means that if six years have passed since the money was erroneously paid to the worker, WorkSafeBC will generally not collect the overpayment. The six-year limitation period can be extended in certain circumstances. Legal Services may be contacted for further advice.

(G) Interest

Interest charges apply where an overpayment is the result of fraud or misrepresentation by the worker but not where an overpayment results from correction of an error. Officers seek approval from a manager or director in order to charge interest on an overpayment.²¹

(H) Relief of Costs

Where a recoverable overpayment is identified, the WorkSafeBC officer fills out a COTA form to ensure the employer is relieved of the costs related to the overpayment.

In the case of an incorrect decision (decisional error) that is reconsidered, there is no recoverable overpayment, but the employer is entitled to relief of costs under section 42 of the *Act*.²² The officer completes the Relief of Costs decision screen in CMS (screen no. 2101) to notify the Assessments department of the costs that are to be relieved.

Where benefits were paid based on a provisional wage rate that was higher than the actual wage rate subsequently set on a claim, the employer is relieved of the costs related to the difference between the rates.²³

Where there is an error in a decision that cannot be corrected because of the limits on reconsideration, there is no relief of costs granted in relation to any excess payment made. The costs charged on the claim have to be consistent with the entitlement decisions on claim, even where those entitlement decisions may contain an error. In circumstances where the officer is precluded from changing a decision to correct a perceived error, the officer cannot then take actions on the claim as if the decision had been reconsidered. Where it is not possible to reconsider a decision, that decision stands pending a possible review or appeal (even if the officer feels the decision contains an error), and allocation of cost decisions ought to be consistent with that decision.

²⁰ *Limitation Act (BC)*

²¹ RSCM Policy item #48.42

²² RSCM Policy item #113.10, *Investigation Costs*

²³ RSCM Policy item #113.10

The Relief of Costs decision screen (screen no. 2101) is also used when implementing appellate decisions that result in a change in the charging and/or allocation of claims costs.

(I) Underpayments

Sometimes an error results in a worker being paid less compensation than he/she is entitled to. Where the 'underpayment' was caused by an administrative error, a statutory error, or an incorrect decision based on fraud or misrepresentation, the funds are paid to the worker without delay. The limits on reconsideration have no application to correction of these types of errors. As a result, the error can be corrected and the monies owing paid even where 75 days have elapsed since the error was made.

Where the underpayment is the result of an incorrect decision (decisional error) that can be reconsidered (corrected within 75 days of the decision), it is paid to the worker without delay. Where a decisional error results in an underpayment but the officer is precluded from reconsidering the decision to correct the perceived error (section 96(5) of the *Act*), the underpayment cannot be paid since the payments made on the claim have to be consistent with the entitlement decisions made on the claim.

(J) Reviews and Appeals of Overpayments

A worker can request a review of the decision that he/she owes money to WorkSafeBC and the amount of the declared overpayment. There is no right to request a review on the question of whether WorkSafeBC should collect the overpayment or not, or on the manner of any collection.²⁴ The collection process is suspended where an overpayment is being reviewed or appealed pending the appellate decision. However, the overpayment may be recovered if benefits start to be paid under a new claim that is submitted or a different claim that is reopened.

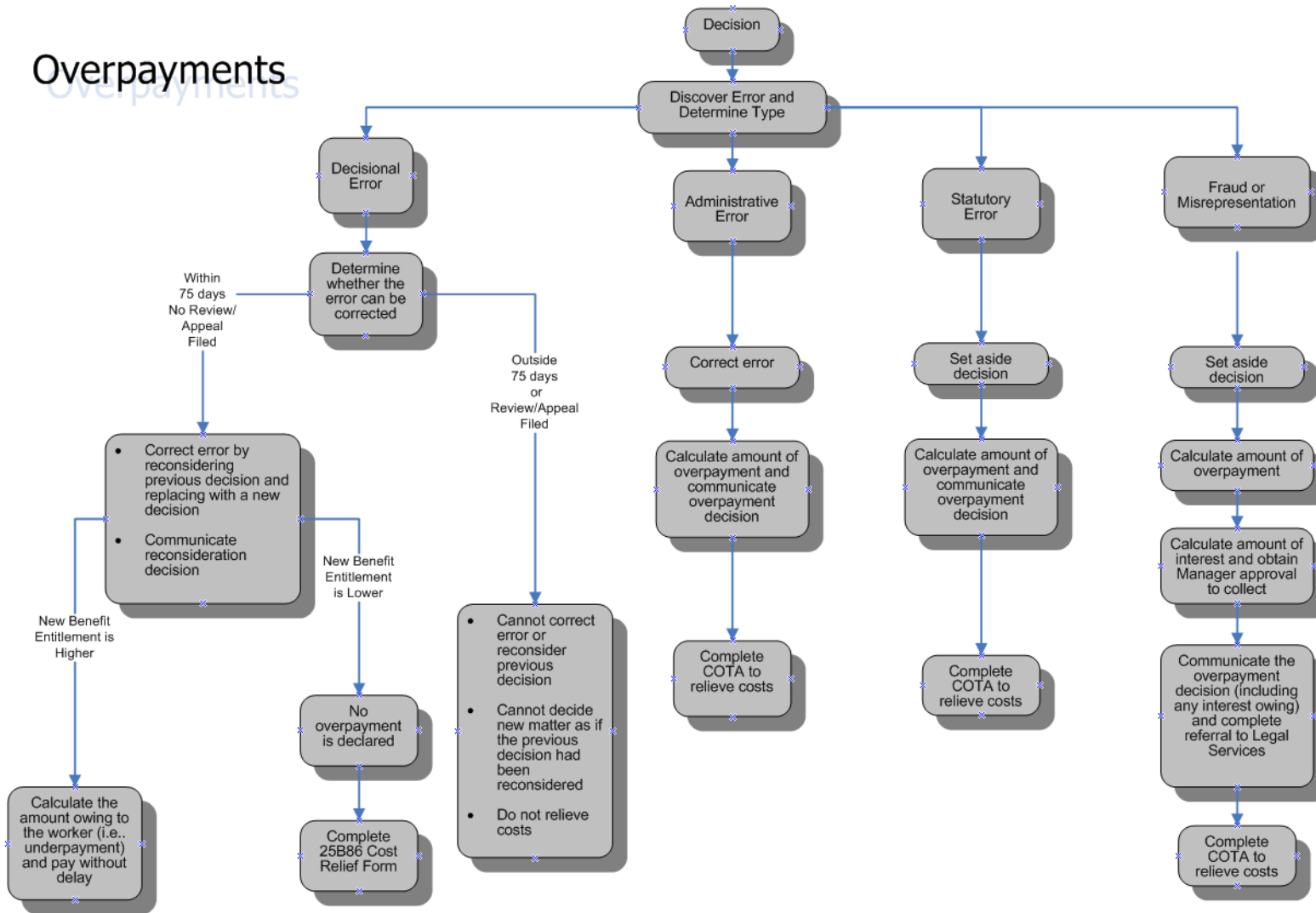
CROSS REFERENCES:	See also PD #C14-2 <i>Reconsiderations</i> , PD #C7-2 <i>Interest on Retroactive Wage Loss and Permanent Disability Lump-Sum Benefits</i> .
HISTORY:	This PD was amended on June 3, 2010 to add further guidance on overpayments arising from fraud or misrepresentation and decisional errors.
APPLICATION:	This item is intended to clarify existing corporate practice.

²⁴ RSCM Policy item #48.46, *Reviews and Appeals on Overpayments*

COMPENSATION PRACTICE AND QUALITY DEPARTMENT

Appendix 1

Overpayments



Appendix 2

Within 75 days (No Review /Appeal Initiated)	Beyond 75 days	No Time Restriction	Preliminary Determinations (Provisional Rates)
<ul style="list-style-type: none"> • Reconsider decision and correct decisional error. • The reconsideration applies retroactively back to the date of the original decision. • No overpayment. • Cost Relief for employer – complete Form 25B86. 	<ul style="list-style-type: none"> • Decisional errors cannot be corrected. • Decision cannot be reconsidered. • No overpayment. • No Cost Relief for employers. • Cannot decide new matters as if the previous decision had been reconsidered. 	<ul style="list-style-type: none"> • Administrative errors, errors due to fraud or misrepresentation, and statutory errors can all be corrected at any time. • Do not need to reconsider a decision to correct these errors. • Overpayments are recoverable. • Cost Relief for Employers – Complete COTA. 	<ul style="list-style-type: none"> • Not a decision. • Reconsideration rules do not apply. • No overpayment unless administrative error or fraud or misrepresentation. • Cost Relief for Employers – Complete Form 25B86 (or COTA if overpayment is declared).