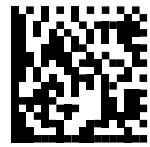




North Carolina Department of Commerce
Division of Employment Security
Unemployment Insurance



noticeId

Determination Non Fraud with Exhibit A

name
addressLine1
addressLine2
city, state zip

Issue ID:
Determination Mailed:
Social Security No.:
BATCH NO.:
APPEAL RIGHTS EXPIRE:
Claimant ID:

Local Office : Customer Call Center
Conference Held:
Appearances: Claimant in Person
Investigator:

Nonfiction of Audit: An audit has been made of your claim for unemployment insurance benefits.

Finding: You fail to properly and correctly report your work and earnings with <company name> during the period from 07/09/15 through 07/25/15. See Commission Exhibit "A".

Determination of Overpayment: Because of the foregoing reasons, you have been overpaid as provided under N.C. Gen. Stat. §96-18 (g) (2). This is a demand notice for refund.

\$ Overpayment as a result of this determination
\$ Prior overpayment amount
\$ Recouped Prior to the Date of this determination
\$ Balance of refund required

Include your name and last four digits of your social security number on your payment and

Mail to: NC Division of Employment Security
Benefit Payment Control Unit
Post Office Box 25903
Raleigh, NC 27611-5903

If assistance is needed in making arrangements for refund, you may call our Central Office Unit in Raleigh, North Carolina at 919.707.1338.

**North Carolina Department of Commerce  
Division of Employment Security  
Unemployment Insurance**

ne at [des.nc.gov](http://des.nc.gov) Post Office Box 25903 Raleigh, North Carolina  
27611-5903

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**North Carolina Department of Commerce**  
**Division of Employment Security**  
**Unemployment Insurance**

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**Appeal Rights:**

This Determination will become final unless an appeal by the aggrieved party is filed on or before the Appeal Rights Expiration date. The appeal may be submitted on-line by logging into your portal at [des.nc.gov](http://des.nc.gov); mailed to DES Appeals, Post Office Box 25903 Raleigh, NC 27611-5903; faxed to 919.857.1296. For additional information refer to the enclosed Appeals and Hearing Pamphlet.

**Important Notice:** If an overpayment is created by this determination, you will be mailed a separate notification of overpayment from DES's Benefits Integrity/Benefit Payment Control Section. This document will specify, among other things, the amount of the overpayment and any applicable penalties. Please note that the only way you may contest the overpayment is to appeal this determination and the resulting overpayment in accordance with North Carolina law, and DES's rules. Please be aware that when a claimant receiving benefits has his/her claim reversed on appeal, the benefits received will be an overpayment subject to repayment to the Division. The Law requires all persons who have received benefits to which they are not entitled "for any reason" to be liable to repay the benefits received, including when decisions at any Division or Judicial level have been reversed on appeal. N.C. Gen. Stat. § 96-18(g)(2).

**Repayment of Benefits**

If for any reason (including errors on the part of any representative of the Division), you have been paid any sum as benefits to which you were not entitled under chapter 96, you are liable to repay such sum to the Division, N.C. Gen. Stat. § 96-18(g)(2).

**Recovery of Overpayment**

Pursuant to N.C. Gen. Stat. § 96-18 (g) (3), the Division may collect the overpayment by one or more of the following procedures:

1. The amount of the overpayment due may be collected by civil action in the name of the Division and the cost of such action shall be taxed against you.
2. If the overpayment is not repaid within 30 days after notice and demand for same has been received, the Division may certify the same to the Clerk of Court of the county in which you reside or have property, and a judgement against property which you own in said county will be docketed.
3. The overpayment may be deducted from any future benefits payable to you under chapter 96.

Maximum of fifty percent (50%) of your weekly benefit amount may be deducted until the overpayment had been satisfied or until your entitlement has been exhausted, whichever comes first.

**Waiver of Overpayment**

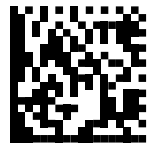
As provided in N.C. Gen. Stat. § 96-4(s), the Division may, upon a finding of good cause, forgive, in the whole or in part, any overpayment arising under N.C. Gen. Stat. § 96-18(g)(2). An individual, who has been found to have been overpaid benefits, may petition the Division to waive the overpayment. The contents of and the procedure for submitting the petition shall be governed by DES Regulation Nos. 20A and 20B which can be made available by contacting the DES Legal Services Section at 919.707.1025.

**Termination of Employment**

As an employee of this state or certain local educational entities, a non-salaried public official or legislator, full restitution of the amount owed to the Division must be made as a condition of continued employment. Written notification of the obligation will be given. If, after a reasonable period of time, the obligation has not begun, your employing agency shall take steps to terminate employment, unless administrative or judicial remedies are being pursued. N.C. Gen. Stat. § 143-5553.



North Carolina Department of Commerce  
 Division of Employment Security  
 Unemployment Insurance



noticeId

**Determination  
 Non-fraud  
 without  
 exhibit A**

name  
 addressLine1  
 addressLine2  
 city, state zip

Issue ID:  
 Determination Mailed:  
 Social Security No.: XXX-XX-ssn  
 BATCH NO.537-03  
 APPEAL RIGHTS EXPIRE:  
 Claimant ID:

Local Office : Customer Call Center  
 Conference Held: August 29, 2015  
 Appearances: Claimant in Person  
 Investigator: Joe Smith

Notification of Audit: An audit has been made of your claim for unemployment insurance benefits.

Finding: You fail to properly and correctly report your work and earnings with **<company name>** during the period from 07/09/15 through 07/25/15.

Determination of Overpayment: Because of the foregoing reasons, you have been overpaid as provided under N.C. Gen. Stat. §96-18 (g) (2). This is a demand notice for refund.

\$170.00	Overpayment as a result of this determination
\$0	Prior overpayment amount
\$0	Recouped Prior to the Date of this determination
\$170.00	Balance of refund required

Include your name and last four digits of your social security number on your payment and

Mail to: NC Division of Employment Security  
 Benefit Payment Control Unit  
 Post Office Box 25903  
 Raleigh, NC 27611-5903

If assistance is needed in making arrangements for refund, you may call our Central Office Unit in Raleigh, North Carolina at 919.707.1338.

**North Carolina Department of Commerce  
Division of Employment Security  
Unemployment Insurance**

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ne at <https://des.nc.gov> Post Office Box 25903 Raleigh, North  
Carolina 27611-5903

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**North Carolina Department of Commerce**  
**Division of Employment Security**  
**Unemployment Insurance**

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**Appeal Rights:**

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**Recovery of Overpayment**

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4. The amount of the overpayment due may be collected by civil action in the name of the Division and the cost of such action shall be taxed against you.
5. If the overpayment is not repaid within 30 days after notice and demand for same has been received, the Division may certify the same to the Clerk of Court of the county in which you reside or have property, and a judgement against property which you own in said county will be docketed.
6. The overpayment may be deducted from any future benefits payable to you under chapter 96.

Maximum of fifty percent (50%) of your weekly benefit amount may be deducted until the overpayment had been satisfied or until your entitlement has been exhausted, whichever comes first.

**Waiver of Overpayment**

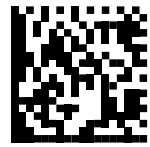
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**North Carolina Department of Commerce**  
**Division of Employment Security**  
**Unemployment Insurance**



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**Criminal  
Prosecution**

--Weeks prior to December 1, 2012 - Each false statement or misrepresentation of failure to disclose a material fact in order to obtain or increase any benefit under Chapter 96 or under an employment security law of any other state, the federal government, or of a foreign government constitutes a misdemeanor. This offense is subject to fines and/or imprisonment. N.C. Gen. Stat. § 96-18 (a).

--Weeks on or after December 1, 2012 - Each false state or misrepresentation of failure to disclose a material fact in order to obtain or increase any benefit under Chapter 96 or under an employment security law of any other state, the federal government, or of a foreign government, constitutes a felony if said amount exceeds \$400.00 (four hundred dollars). This offense is subject to fines and/or imprisonment. N.C. Gen. Stat. § 96-18 (a).

**Repayment of Benefits**

Liable to repay to the Division any benefits received because of fraudulent act or omission and for which no entitlement existed under Chapter 96. N.C. Gen. Stat. § 96-18 (g) (2).

**Federal Penalties**

Federal Law provides additional severe penalties for obtaining unemployment compensation through willful misrepresentation on a claim involving federal funds. The violator may be subject to maximum fines ranging from \$1,000 (one thousand dollars) to \$10,000 (ten thousand dollars) and/or imprisonment. Effective October 1, 2013, any determination of fraudulent overpayment will be assessed a penalty equal to fifteen percent (15%) of the amount of the erroneous payment. N.C. Gen. Stat. § 96-18 (h).

**Recovery of Overpayment**

Pursuant to N.C. Gen. Stat. § 96-18 (g) (3), the Division may collect the overpayment by one or more of the following procedures:

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**North Carolina Department of Commerce**  
**Division of Employment Security**  
**Unemployment Insurance**

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**Determination is work search**

Determination

Claimant is not eligible for benefits from 08/16/15 through 08/22/15.

Reason

Claimant failed an NIC Claim effective 07/12/15 which has been continued through 08/29/15.

During the week ending **<date>**, the claimant's work search consisted of 4 work search contacts: **<list of work search>**. The work search contacts at **<list of contacts>** were varied by a Quality Control Investigator to be non-existent.

The claimant failed to meet the work search requirements because he did not meet the minimum of two contacts during the week. The claimant had been made aware of the requirements on **<date>**.

Conclusions

N.C. Gen. Stat. § 96-13 (a) (3) provides an unemployed individual shall be eligible to receive benefits only if the Division finds such individual is actively seeking work.

Based on the foregoing, it is concluded claimant did not make an active work search.

Appeal Rights:

This Determination will become final unless an appeal by the aggrieved party is filed on or before the Appeal Rights Expiration date. The appeal may be submitted on-line by logging into your portal at <https://des.nc.gov>; mailed to DES Appeals, Post Office Box 25903 Raleigh, NC 27611-5903; faxed to 919.857.1296. For additional information refer to the enclosed Appeals and Hearing Pamphlet.

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