

Barbara [redacted]
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May 26, 2015

Janell Knutson, Chair
Unemployment Insurance Advisory Council
201 E. Washington Avenue
P.O. Box 8942
Madison, Wisconsin 53708

Dear Ms. Knutson,

I have recently read the proposed law changes to Statute 108.04(11)(g) regarding the definition of "conceal" which will eliminate the word "intentionally" mislead or defraud. As a claimant who has had to pay overpayments that were not done intentionally, this concerns me.

Recently, I incurred an over-payment because my reported wages were "under reported." I work highway construction. My pay scale is all over the place due to varied projects. For example, I worked on a county road project. As a conscientious person, I called the payroll division to clarify the wages and reported accordingly. What the payroll division didn't tell me is that we were also paid benefit pay. County jobs typically don't include benefits; state highway projects do. Though this was a county road, the job was state funded. As soon as I received my pay check I called and gave correct information. If the "intent" element is removed, a claimant in my position may not realize he or she has received benefits to which he or she is not entitled, thus might be accused of concealment. Because these errors may not be discovered for a length of time, this could lead to hefty consequences for an honest mistake.

I have another personal scenario involving a friend. She had just signed up for benefits and wanted my help to access the dwd online web services. When she got onto her account, I noticed that she had reported wages of only \$10. She works ten hours a week as a crossing guard and had actually earned \$100. She reported these wages because she misunderstood the question. She thought that she was to report what she earned *per hour* and then *how many hours* she had worked. To my knowledge, she has never filed before. This also was an honest, understandable mistake. She also called and corrected this immediately. Had she not, it's possible that this could have gone undetected for some time. Repayment of the monies, imposing the new penalty of 40%, and not allowing benefits until 2x her overpayment would be an excessive penalty for a misunderstanding.

I realize that fraud and concealment are major issues, but I am concerned that the passing of this proposal may deny a person their right to due process. I hope you will take my insights into consideration. Thank you for your time.

Sincerely,

Barbara [redacted]