

**WAC 192-230-110 May I negotiate with the department to repay less than the full amount of my benefit overpayment?—RCW 50.24.020.**

(1) Yes. State law permits the department to accept an offer in compromise for less than the full amount owed. For purposes of this chapter, an offer in compromise is referred to as a negotiated settlement.

(2) Except as provided in subsection (4) of this section, a negotiated settlement of the overpayment for less than the full amount owed will be considered when to require you to repay the full amount would be against equity and good conscience as defined in WAC 192-100-015.

(3) In considering settlement offers, the emphasis will be on what is financially advantageous to the department. The department will consider the costs of collection compared to the amount of the overpayment. In doing so, the department may consider such factors as the age and amount of the overpayment, the number of prior contacts with you, whether you previously made good faith efforts to pay the debt, the tools available to enforce collection, and other information relevant to your ability to repay.

(4) A negotiated settlement for less than the full amount owed will not be considered when:

(a) The overpayment decision was issued by a state other than Washington; or

(b) The overpayment is for disaster unemployment assistance benefits paid under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(5) The department's decision to accept or reject a settlement offer is not subject to appeal. However, if the settlement offer is rejected, you are permitted to make another offer if your circumstances change.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-230-110, filed 10/7/16, effective 11/14/16; WSR 14-04-073, § 192-230-110, filed 1/30/14, effective 3/2/14. Statutory Authority: RCW 50.12.010, 51.12.040, and 50.20.010. WSR 08-21-056, § 192-230-110, filed 10/9/08, effective 11/9/08.]