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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 2@ Disability Compensation

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Chapter 6@ VOLUNTARY PLANS

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**3262-2 Appeals Board Decision of Department**

Section 3262-2@ Appeals Board Decision of Department Termination of Voluntary Plan

## **Termination of Voluntary Plan**

### **(a)**

When the Appeals Board decision is sent to an appellant from an appeal filed in accordance with subdivision (e), Section 3262 of the code, one of the following actions shall be implemented: (1) If the Appeals Board affirms the termination of the voluntary plan, the department shall continue the payments described in subdivision (d) of Section 3262-1 of these regulations, or (2) If the Appeals Board reverses the department's termination of the voluntary plan, the department will return the claim documents described in subdivision (c) of Section 3262-1 of these regulations to the employer. The department will provide the employer, employee group, or insurer with a statement describing the payments issued under subdivision (d) of Section 3262-1 of these regulations. The department's payments shall be recovered from the monies remitted to the department in accordance with subdivision (b), Section 3262 of the code. All remaining monies, if any, shall be returned to the employer and any employee monies shall be redeposited into the account created in accordance with Section 3261-1 of these regulations.

### **(1)**

If the Appeals Board affirms the termination of the voluntary plan, the department shall continue the payments described in subdivision (d) of Section 3262-1 of these regulations, or

**(2)**

If the Appeals Board reverses the department's termination of the voluntary plan, the department will return the claim documents described in subdivision (c) of Section 3262-1 of these regulations to the employer. The department will provide the employer, employee group, or insurer with a statement describing the payments issued under subdivision (d) of Section 3262-1 of these regulations. The department's payments shall be recovered from the monies remitted to the department in accordance with subdivision (b), Section 3262 of the code. All remaining monies, if any, shall be returned to the employer and any employee monies shall be redeposited into the account created in accordance with Section 3261-1 of these regulations.

**(b)**

If the department is unable to recover the full amount of payments issued under subdivision (d) of Section 3262-1 of these regulations from the monies remitted to the department, recovery will be sought against the employer or insurer. The Director of Employment Development shall assess the employer or insurer for payments that have not been recovered from the employer or insurer.