

**04 NCAC 24D .1103      SETOFF DEBT COLLECTION ACT NOTICE TO EMPLOYER**

(a) Consistent with G.S. 105A-8, DES shall provide written notice of receipt to the debtor employer within 10 days after receiving the debtor's refund.

(b) The notice shall include:

- (1) the employer's name;
- (2) the type of debt;
- (3) the amount of the refund received by DES;
- (4) the total amount of the employer's debt owed to DES;
- (5) the total amount of fees, as applicable;
- (6) the amount of assessed penalties, as applicable;
- (7) a citation to the legal authority that permits collection of the debt through setoff;
- (8) a statement of DES's intention to apply the refund against the debt;
- (9) an explanation that the debt is the basis for the agency's claim to the debtor's refund;
- (10) a statement of the employer's right to contest the debt by filing a written request for a hearing;
- (11) the time period and procedure for requesting a hearing pursuant to 04 NCAC 24A .0104(i);
- (12) a statement that failure to request a hearing within the required time shall result in setoff of the debt;
- (13) a statement of the employer's right to enter into a written repayment agreement with DES;
- (14) instructions for paying the debt;
- (15) a mailing address where payments shall be sent;
- (16) the date that the notice was mailed to the employer; and
- (17) a telephone number for the employer to seek information regarding the notice.

(c) Employers choosing to repay the debt after receiving notice shall make payment to DES in accordance with 04 NCAC 24A .0104(y).

*History Note:*      *Authority G.S. 96-4; 105A-8;*  
                              *Eff. July 1, 2018.*