

*employing unit making such payment may make application to the Executive Director for an adjustment thereof in connection with contribution payments then due, or for a refund [or credit of any amount paid as contribution or interest under this article and the] because such adjustment cannot be made. If the Executive Director shall determine that such amount or any portion thereof was erroneously collected, the Executive Director [may at his discretion either allow a credit therefor,] shall allow such employing unit to make an adjustment thereof without interest [.] in connection with [subsequent] contribution payments [, or] then due by such employing unit. If such adjustment cannot be made, the Executive Director shall refund [.] said amount without interest [, the amount erroneously paid]. Contributions shall be refunded from the fund and interest shall be refunded from the Special Administrative Expense Fund. [All contributions, in excess of monies actually due, which are made in error, shall be refunded by the Executive Director when proper claim is made therefor.] No refund or [credit] adjustment shall be allowed with respect to a payment as contributions or interest unless an application therefor shall be made on or before whichever of the following dates shall be the later: (1) One year from the date on which such payment was made; or (2) three years from the last day of the period with respect to which such payment was made [.] ; provided that with respect to applications for refund or adjustment filed on or after January 1, 1964, in any case in which the employing unit reported wages that have been included in the determination of an eligible claimant for benefits, any refund or adjustment shall be reduced by the amount of benefits received by the claimant chargeable to such employing unit. For [a] like cause, and within the same period, [a refund] adjustments or refunds without interest may be so made [, or a credit allowed,] on the initiative of the Executive Director. Nothing in this article, or any part thereof, shall be construed to authorize any refund or [credit] adjustment of moneys due and payable under the law and regulations in effect at the time such moneys were paid [.] or to deny any refund required under Section 20(g)(7)(B).*

*When an adjustment or refund to any employing unit has been approved, the experience rating record provided for in Section 8 shall be corrected, but no contribution rate assigned to an employing unit shall be changed as a result of such adjustment or refund unless the application for the adjustment or refund is filed before the beginning of the twelve (12) month period for which the rate is assigned.*

In the event that any claim for refund or adjustment is rejected, a written notice of rejection shall be forwarded to the [employer] employing unit. Within ten days thereafter, [he, they, or it] the employing unit may petition the Board of Appeals for a formal hearing, setting forth the grounds upon which such refund or adjustment is claimed. The Board of Appeals shall grant such hearing and shall notify the petitioner of the time and place fixed for such hearing. After such hearing, the Board of Appeals shall make such order in the matter as may appear to it just and lawful, and shall furnish a copy of such order to the petitioner.

SEC. 2. *And be it further enacted, That this Act shall take effect June 1, 1964.*

Approved April 7, 1964.