

**John H. Albin**  
Commissioner of Labor

**Pete Ricketts**  
Governor

**Notice of Intent to Intercept State Income Tax Refund**

**State Income Tax Intercept (SITI):**

Once your covered unemployment compensation debt is submitted to the SITI program, the Nebraska Department of Revenue will reduce or withhold your State income tax refund up to the amount of your debt. This process, known as "intercept," is authorized by **Neb. Rev. Stat. §48-655 and Neb. Rev. Stat. §77-27, 202.**

**Repay Your Debt:**

In order to avoid SITI you must send a check or money order for the full amount of the covered unemployment compensation debt, along with the bottom portion of this letter.

**Request a Review:**

If you believe that all or a part of the covered unemployment compensation debt is not past due or legally enforceable, you must send evidence to support your position to the NDOL Collections Unit or to [NDOL.Collections@nebraska.gov](mailto:NDOL.Collections@nebraska.gov)

Note: This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. (Neb. Rev. Stat §84-901.03)

<b>Nebraska Liable Company</b>		<b>Date of Letter</b> -
<b>Amount Enclosed:</b>	<input type="text"/>	<b>Make checks payable to Nebraska U.C. Fund</b>
<b>Please show any change of address or name</b> _____		
<b>(Street address, P.O. Box, apartment number)</b> _____		
<b>(City, State, ZIP Code)</b> _____		

**DEPARTMENT OF LABOR**

550 South 16 Street \* P.O. Box 94600 \* Lincoln, NE 68509-4600  
Phone: 402.471.4513 \* Fax: 402.471.9994 \* [dol.nebraska.gov](http://dol.nebraska.gov)

## FREQUENTLY ASKED QUESTIONS

**WHY DO I OWE THIS DEBT?** You were deemed liable to pay Combined Tax to the unemployment compensation fund of the State of Nebraska. You have not paid this debt. Contributions due to the unemployment compensation fund of a state and interest and penalties owed thereon for which the state has determined the person to be liable and which remain uncollected qualify for an intercept of State Income Tax Refund. If you do not repay this debt, the Department of Labor - Unemployment Tax Division - may recover this debt through an intercept of your State Income Tax Refunds.

**HOW DO I REQUEST A REVIEW OF THIS DEBT?** You have sixty (60) days from the "date of this letter" to request a review. The commissioner shall review any evidence presented and determine if the debt is subject to offset. If you do not return the form within the (60) days, the request for waiver will be denied.

**HOW DO I APPEAL THE AMOUNT DUE?** When your debt was originally established, you were provided an opportunity to appeal the original determination. The State Income Tax Intercept program is a collection process and is not appealable under the Nebraska statute.

**WHAT IS A PAST-DUE LEGALLY ENFORCEABLE DEBT?** According to State statute §48-648(1) a Combined Tax shall become due and be paid by each employer as prescribed by the commissioner in regulation Title 220, Chapter 1.003. Combined Tax shall become due and payable quarterly on the last day of the next month following the calendar quarter for which combined tax has accrued. State statute §77-27, 199.1 defines "debt" as combined tax due and payable to the Department of Labor pursuant to Neb. Rev. Stat. §48-655 and §48-656.

**HOW DO I EXCLUDE MY SPOUSE'S PORTION OF THE INCOME TAX RETURN FROM OFFSET?** You must complete IRS form 8379, Injured Spouse Claim and Allocation. You can download this form online at [www.irs.gov](http://www.irs.gov). The completed form 8379 should be mailed to the IRS Center where you sent your original tax return. Your debt is still eligible for offset during the processing period.

### **THIS DEBT WAS INCLUDED IN A BANKRUPTCY - HOW SHOULD I REPORT THIS?**

If you have a pending bankruptcy proceeding and the **automatic** bankruptcy stay is in effect, or you believe this debt was discharged in a prior bankruptcy proceeding, this debt may not be subject to an intercept. Immediately notify Nebraska Department of Labor of the Stay by sending evidence (such as case number and name of bankruptcy court) that you have filed a petition for bankruptcy.

### **HOW DO I CONTACT THE NEBRASKA DEPARTMENT OF LABOR COLLECTIONS UNIT?**

Contact the Nebraska Department of Labor via email at [NDOL.Collections@nebraska.gov](mailto:NDOL.Collections@nebraska.gov) or by telephone at 402.471.4513. Visit our website at [dol.nebraska.gov](http://dol.nebraska.gov).