

Service-Public.fr

Le site officiel de l'administration française

This page has been automatically translated. Please refer to the page in French if needed.

How are amounts wrongly paid by Pôle emploi reimbursed?

Verified 20 September 2021 - Legal and Administrative Information Directorate (Prime Minister)

In case of overpayment, Pôle emploi will notify you by letter RAR. In the absence of any dispute on your part, Pôle emploi may make deductions from your future allocations. If you dispute the unfairness of the claims, you can file a free appeal with the Chief Executive Officer of Pôle emploi. Pôle emploi can also form a constraint against you. After the appeal, you have the right to appeal to the competent court.

Allocations concerned

Unemployment benefits

The relevant allocations are:

Return to Work (ARE) ([https://www.service-public.fr/particuliers/vosdroits/F14860?](https://www.service-public.fr/particuliers/vosdroits/F14860?lang=en)

- lang=en)

Return to Work Assistance Training (Aref) ([https://www.service-public.fr/particuliers/vosdroits/F291?](https://www.service-public.fr/particuliers/vosdroits/F291?lang=en)

- lang=en)

Business Security Allocation (ASP) ([https://www.service-public.fr/particuliers/vosdroits/F31688?](https://www.service-public.fr/particuliers/vosdroits/F31688?lang=en)

- lang=en)

Pôle emploi may ask you to return the overpayment **3 years** after the date of payment of the allowances.

In the event of fraud or misrepresentation on your part, Pôle emploi may ask you to return the overpayment **10 years** after the date of payment of the allowances.

Please note

Undue allowances less than **€77** are not recovered.

Solidarity grants

The relevant allocations are:

Specific Solidarity Allowance (SSA) ([https://www.service-public.fr/particuliers/vosdroits/F12484?](https://www.service-public.fr/particuliers/vosdroits/F12484?lang=en)

- lang=en)

- Transitional Solidarity Award (TSP)

Retirement equivalent allowance (EAR) ([https://www.service-public.fr/particuliers/vosdroits/F13929?](https://www.service-public.fr/particuliers/vosdroits/F13929?lang=en)

- lang=en)

Pôle emploi may ask you to return the overpayment **3 years** after the date of payment of the allowances.

In the event of fraud or misrepresentation on your part, Pôle emploi may ask you to return the overpayment **10 years** after the date of payment of the allowances.

Please note

Undue allowances less than **€77** are not recovered.

Collection by Deductions

Notification

In case of overpayment, Pôle emploi sends you a notification letter by registered letter with acknowledgement of receipt.

Pôle emploi can withhold your future allocations. If your indemnity ceases, you must notify your Pôle emploi agency to repay your debt by another means of payment.

In the case of the SSA, these deductions are limited to **20%** of their amount.

Deferral Request

You can apply to repay your debt in one or more times by applying to your Pôle emploi agency for a repayment schedule, in writing and on free paper.

Your Pôle emploi agency will send you a proposal for a timetable by mail, to which you will have to give your agreement.

This refund can be made by check, wire transfer or money order.

Warning

In case of non-compliance with the timescale, Pôle emploi is entitled to claim the balance at one time.

Pleasure

[ex gratia \(https://www.service-public.fr/particuliers/vosdroits/F2474?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2474?lang=en) to the Chief Executive Officer of Pôle emploi.

This plea must be filed within 2 months of the date of notification of the claim by Pôle emploi by submitting a written challenge and stating the reasons for your disagreement.

If you do not receive a response within 2 months from the Director General of Pôle emploi, you may consider your protest dismissed.

Warning

In case of non-compliance with the timescale, Pôle emploi is entitled to claim the balance at one time.

Collect by Constraint

Constraint Notification

If notification remains without effect one month after sending it (if you do not refund, ask for a cancellation of the overpayment or do not contest), Pôle emploi may notify you of constraint.

The constraint is addressed by registered letter with acknowledgement or act of bailiff (<https://www.service-public.fr/particuliers/vosdroits/F2158?lang=en>).

The letter or act of the bailiff must mention the following elements, otherwise it will not be admitted:

- Constraint Reference
- Amount claimed and nature of allowances
- Time limit for appeal (15 days after notification), address of the competent court and method of referral

In the absence of any appeal to the courts on your part, the constraint is a judgement and allows Pôle emploi to implement the enforcement procedures (seizure).

Formal notice

The constraint is put in place after you have been called in to repay the allowance unduly collected.

The notice sent by Pôle emploi is sent by registered letter with request for notice of receipt.

The Pôle emploi letter states:

- Nature and amount of amounts claimed
- Date of payment(s)
- Reason for total or partial rejection of your appeal

Legal action

An appeal to the court is only possible if you have first challenged the overpayment to Pôle emploi by a [ex gratia \(https://www.service-public.fr/particuliers/vosdroits/F2474?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2474?lang=en) prior.

The details of the competent court shall be notified on constraint sent by Pôle emploi.

Statute and miscellaneous references

- Labour Code: items L5426-8-1 to L5426-8-3 (<http://legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000025052344&cidTexte=LEGITEXT000006072050>)
Reimbursement, recovery of undue benefits: principles
- Labour Code: items R5426-18 to R5426-24 (<http://legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000026386101&cidTexte=LEGITEXT000006072050>)
Reimbursement, recovery of undue benefits (limit, appeal, time limit...)
- Labour Code: Article L5422-5 (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006903827)
Limitation periods
- Order of 25 June 2014 approving the Convention of 14 May 2014 on unemployment compensation and related texts (<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029150768>)
Article 26 of the annexed General Regulation
- Convention 2017 and implementing agreements on unemployment compensation (<https://www.unedic.org/indemnisation/textes-reglementaires/conventions-dassurance-chomage>)
Implementing Agreement No 12 (§ 6)
- Circular No. 2014-02 of January 10, 2014 concerning new schedules of seizure and assignment of unemployment insurance benefits (PDF - 280.6 KB) (<https://www.unedic.org/sites/default/files/circulaires/ci201402.pdf>)

Additional topics

- Return-to-Work Assistance Allowance Training (Aref) (<https://www.service-public.fr/particuliers/vosdroits/F291?lang=en>)
Service-Public.fr
- Business Security Allocation (ASP) (<https://www.service-public.fr/particuliers/vosdroits/F31688?lang=en>)
Service-Public.fr
- Specific Solidarity Allowance (SSA) (<https://www.service-public.fr/particuliers/vosdroits/F12484?lang=en>)
Service-Public.fr
- Pôle emploi Regional Joint Authorities (<http://www.pole-emploi.fr/candidat/instances-paritaires-regionales-@/article.jspz?id=60587>)
Pôle emploi