

**10A NCAC 71P .0504 CORRECTION OF OVERPAYMENTS**

(a) An overpayment caused by an error by a Department of Health and Human Services staff member in interpreting program regulations shall be charged to the State.

(b) If an overpayment is caused by failure of the recipient or his or her Authorized Representative to report a Change in Situation as set forth in Rule .0602(b)(5)(C) of this Subchapter, and if fraud is not suspected, the County Department shall direct the recipient to refund the overpayment.

(1) If the recipient refuses to refund the overpayment, the State/County Special Assistance Program monthly payment may be reduced up to 10 percent if he or she has:

(A) disregarded earned income determined pursuant to 20 U.S.C 416.1112; or

(B) countable resources, as defined in Rule .0904 of this Subchapter, greater than the amount of the overpayment.

(2) If the recipient has no disregarded earned income or excess resources, the recipient shall be asked to agree in writing to repay the amount of the overpayment to the State and County Department if he or she acquires income or resources greater than the amount of the overpayment while he or she is a recipient of the State/County Special Assistance Program.

(c) An overpayment caused by an error by a County Department staff member shall be charged to the County Department.

*History Note: Authority G.S. 108A-40; 143B-153;*

*Eff. January 1, 1983;*

*Amended Eff. June 1, 2016;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*