

**04 NCAC 24B .0802 DUTIES OF RECOVERING STATE**

In recovering state or federal benefit overpayments, the recovering state shall:

- (1) issue an overpayment recovery determination to the claimant that shall include the following:
  - (a) statutory authority for the offset;
  - (b) identity of the state requesting recoupment;
  - (c) date of the original overpayment determination;
  - (d) type of overpayment, such as fraud or non-fraud;
  - (e) program type;
  - (f) total amount of offset; and
  - (g) amount to be offset weekly;
- (2) offset any benefits to be paid for each week claimed, in the amount permitted by that state's law;
- (3) prepare and forward a check payable to the requesting state, showing the amount recovered, except as provided in Rule .0803 of this Section;
- (4) retain a record of the overpayment balance in its files no later than the exhaustion of benefits, end of the benefit year, exhaustion or end of an additional or extended benefit period, or other extension of benefits, whichever is later; and
- (5) not redetermine the original overpayment determination.

*History Note: Authority G.S. 96-4; 96-18;  
Eff. July 1, 2015.*