

10A NCAC 71W .0604 CORRECTION OF OVERPAYMENTS

(a) If the recipient is not entitled to all or part of a payment which has been issued and fraud is not suspected, the county shall take all steps to recover any overpayment.

(b) A county may recoup a Work First overpayment from a recipient's Work First payment, on account of an overpayment made to the recipient's spouse, parent, child, sibling, or other person, only if the recipient, at the time the overpayment occurred, was:

- (1) 18 years of age or older;
- (2) living with the person; and
- (3) part of the assistance unit.

(c) Overpayments shall be collected by the State as follows:

- (1) voluntary repayment by grant reduction or recipient refund;
- (2) involuntary repayment by grant reduction;
- (3) if an overpayment occurs due to a county error in complying with federal or State law, the overpayment shall be recouped by the State;
- (4) if an overpayment occurs due to a state or county processing error, the overpayment shall be recouped from the recipient if the recipient was provided notification of the amount of Work First they were eligible to receive; or
- (5) if an overpayment occurs due to a state error in federal or State law, the overpayment shall be charged to the State.

*History Note: Authority G.S. 108A-27; 143B-153; 45 C.F.R. 233.20;
Eff. February 1, 1984;
Amended Eff. September 1, 1991; January 1, 1985;
Readopted Eff. October 1, 2021.*