

**441—46.24 (239B) Determination of overpayments.** All overpayments due to agency or client error or due to assistance paid pending an appeal decision shall be recouped. A procedural error alone does not result in an overpayment.

**46.24(1) Agency error.** When an overpayment is due to an agency error, recoupment shall be made, including those instances when errors by the department prevent the requirements in 441—subrule 41.22(6) or 41.22(7) from being met or when the client receives a duplicate grant.

*a.* An overpayment of any amount is subject to recoupment with one exception: When the client receives a grant that exceeds the amount on the most recent notice from the department, recoupment shall be made only when the amount received exceeds the amount on the notice by \$10 or more.

*b.* An overpayment due to agency error shall be computed as if the information had been acted upon timely.

**46.24(2) Assistance paid pending appeal decision.** Recoupment of overpayments resulting from assistance paid pending a decision on an appeal hearing shall begin no later than the month after the month in which the final decision is issued.

**46.24(3) Client error.**

*a.* An overpayment due to client error shall be computed as if the information had been reported and acted upon timely.

*b.* Overpayments due to failure to refund payments received from the absent parent shall be the total nonexempt support payment made for members of the eligible group at the time the support payment was received. In addition, assistance payments made to meet the needs of the eligible group may also be subject to recoupment under provisions in 441—subrule 41.22(6).

*c.* An overpayment due to a recipient's accessing benefits via the electronic access card at a prohibited location shall be the total of the transactions and any associated fees for accessing the benefits at the prohibited location pursuant to 441—subrule 41.25(11).

**46.24(4) Failure to cooperate.** Failure to cooperate in the investigation of alleged overpayments shall result in ineligibility for the months in question and the overpayment shall be the total amount of assistance received during those months.

**46.24(5) Overpayment in special alien cases.** Rescinded IAB 10/4/00, effective 12/1/00.

**46.24(6) Real property exempted as a resource.** Rescinded IAB 6/30/99, effective 9/1/99.