

**441—46.21(239B) Definitions.**

“*Agency error*” in overpayments means: (a) The same as circumstances described in 441—subrule 45.24(1) pertaining to underpayments, or (b) any error that is not a client or procedural error.

“*Client*” means a current or former applicant or recipient of the family investment program.

“*Client error*” means and may result from:

1. False or misleading statements, oral or written, regarding the client’s income, resources, or other circumstances which may affect eligibility or the amount of assistance received;
2. Failure to timely report changes in income, resources, or other circumstances as required by 441—40.27(239B); or
3. Failure to refund to the child support recovery unit any nonexempt payment from the absent parent received after the date the decision on eligibility was made.

“*Overpayment*” means any assistance payment received in an amount greater than the amount the eligible group is entitled to receive.

“*Procedural error*” means a technical error that does not in and of itself result in an overpayment. Procedural errors include:

1. Failure to secure a properly signed application at the time of initial application or reapplication.
2. Failure to secure a properly signed Form 470-3826, Request for FIP Beyond 60 Months, as described at 441—subrule 41.30(3).
3. Failure of the department to conduct the interviews described in 441—subrules 40.24(2) and 40.27(1).
4. Failure to request a Public Assistance Eligibility Report, a Combined PAER/FAIR, or a Review/Recertification Eligibility Document at the time of a quarterly, semiannual, or annual review.
5. Failure of department staff to cancel the family investment program benefits when the client submits a Public Assistance Eligibility Report, a Combined PAER/FAIR, or a Review/Recertification Eligibility Document that is not complete as defined in 441—paragraph 40.27(4) “*b.*” However, overpayments of grants as defined above based on incomplete reports are subject to recoupment.

“*Recoup*” means reimburse, return, or repay an overpayment.

“*Recoupment*” means the repayment of an overpayment, either by a payment from the client or an amount withheld from the assistance grant or both.