

**WAC 388-410-0005 Cash assistance overpayment amount and liability.** (1) The amount of overpayment for cash assistance households is determined by the amount of assistance received to which the assistance unit was not entitled.

(2) Cash overpayments are recovered from:

(a) Any individual member of an overpaid assistance unit, whether or not the member is currently a recipient;

(b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member; or

(c) A nonneedy caretaker relative or guardian who received the overpayment on behalf of a child.

(3) A cash assistance overpayment is not recovered from:

(a) A nonneedy caretaker relative or guardian who did not receive the overpayment on behalf of a child;

(b) A child who was in the assistance unit at the time the overpayment was accrued;

(c) A nonneedy caretaker relative or guardian who was assessed an overpayment for a child who is not currently part of the assistance unit; or

(d) A person not receiving assistance when an unintentional overpayment of less than thirty-five dollars is discovered, computed, or both.

(4) Overpayments resulting from incorrectly received cash assistance are reduced by:

(a) Cash assistance a household would have been eligible to receive from any other category of cash assistance during the period of ineligibility; and

(b) Child support the department collected for the month of overpayment in excess of the amount specified in (a) of this subsection; or

(c) Any existing grant underpayments.

(5) A cash assistance overpayment cannot be reduced by a food assistance underpayment.

(6) An underpayment from one assistance unit cannot be credited to another assistance unit to offset an overpayment.

(7) All overpayments occurring after January 1, 1982 are required to be repaid by mandatory grant deduction except where recovery is inequitable as specified in WAC 388-410-0010.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120. WSR 19-08-066, § 388-410-0005, filed 3/29/19, effective 5/1/19. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.500, 74.04.510, 74.08.090, 74.08A.120, and 2011 1st sp.s. c 15. WSR 13-18-004, § 388-410-0005, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-410-0005, filed 7/31/98, effective 9/1/98.]