

**Policy Clarification - Cash - All  
PCA8868910**

Submitted: December 13, 1999

Agency: All CAOs

Tr. No.

Citations: SH 910.47

Subject: Overpayment Due to Excess Resources

Supplemental Handbook 910.47 at page 910-16 second bullet, states that the overpayment claim is the total amount of assistance received during the period of overpayment when the overpayment was caused by resources that exceeded the resource limit.

Is this correct? Does this apply when the excess resources are less than the total amount of assistance received?

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Response By: K. Kistler

3/31/00

The Office of Legal Counsel has advised that SH 910.47 is in conflict with regulations. Regulations at 55 Pa. Code 255.4(d)(1)(iv) state, "[t]he amount of the claim is the total net resource or the total amount of assistance received during the overpayment period, whichever is less."

Since the regulation is the legal authority, it should be applied instead of the Handbook. Effective immediately, in cases of overpayments due to excess resources, CAOs are to consider the amount of the claim to be the total net resource or the total amount of assistance received during the overpayment period, whichever is less. SH 910.47 will be revised to reflect this provision of regulations.