

CHAPTER 257. REIMBURSEMENT**AFDC/GA REIMBURSEMENT PROVISIONS**

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Cross References

This chapter cited in 55 Pa. Code § 105.4 (relating to procedures); 55 Pa. Code § 140.21 (relating to conditions of eligibility); 55 Pa. Code § 140.221 (relating to conditions of eligibility); 55 Pa. Code § 140.721 (relating to conditions of eligibility); 55 Pa. Code § 141.41 (relating to policy); 55 Pa. Code § 141.61 (relating to policy); and 55 Pa. Code § 151.44 (relating to procedures).

AFDC/GA REIMBURSEMENT PROVISIONS**§ 257.21. Policy.**

(a) *General.* AFDC/GA reimbursement policy in general is as follows:

(1) There are two closely related reasons for reimbursement. The first rests on the basic principle that public assistance supplements resources and that whenever assistance is granted in lieu of the utilization of certain resources, the assistance should be repaid whenever these resources become available. The second reason relates to the financing of the program. Reimbursement results in a recovery of money that is then available for redistribution as assistance, thereby reducing to this extent the need for additional tax revenues.

(2) Requiring reimbursement from persons who receive assistance in lieu of the utilization of certain resources will insure that they are treated equitably with other persons who have the same kind of resources but who use their resources instead of seeking public assistance. Inherent in this concept is a further saving of tax moneys, since persons will thereby be encouraged to find ways of remaining independent of public assistance.

(3) The obligation of reimbursement has always been inherent in the receiving of public assistance in the Commonwealth. The Supreme Court emphasized this and recognized the right of the Commonwealth to repayment under the common law when it decided in *Waits' Estate*, 336 Pa. 151, that "there is an implied duty on the part of a recipient of public assistance, or his estate, to make reimbursement." The Support Law (see 62 P. S. §§ 1971—1977) sets forth certain conditions pertaining to reimbursement. The rules and regulations of the Department which have been developed with the advice of the Attorney General implement the common law and the Support Law (62 P. S. §§ 1971—1977) by establishing the limits of liability specifically.

(4) Protection and collection of the Commonwealth's claim for reimbursement are mandatory, and the interests of the Commonwealth are best protected by providing that property owners pledge property which is liable for reimbursement as security for future reimbursement of assistance received by them or by persons for whom they are held responsible.

(b) *Applicability.* Reimbursement will be required for Aid to Dependent Children, General Assistance and all burial payments. Blind Pension itself, including payments made for nursing home care, will not be reimbursable. Medical Assistance payments will not be reimbursable. Assistance payments paid to an individual for the period that the individual actually works in community work experience programs are not reimbursable from the individual's real property.

(c) *Liability.* Regulations regarding liability for reimbursement are as follows:

(1) The rules which have been established by the Department are a result of progressive interpretation and application of the Support Law (62 P. S. §§ 1971—1977), as well as the common law, to questions of liability during the past 10 years. They are embodied in the repayment agreements which property owners have been required to sign in order to insure repayment. Although new repayment agreements were devised in order to cover revisions in regulations from time to time, it was not required that persons who had already signed agreements execute the new ones. Nevertheless, claims for repayment will be computed as though new reimbursement agreements had been taken each time the basis for computation changed.

(2) Liability for reimbursement will depend on three things: ownership of property during receipt of assistance, type of property owned, and the relationship of the property owner to the recipient of assistance.

(3) Liability will begin with the first assistance payment following the acquisition of property or a right to property or the date a resource was due, whichever is appropriate to the kind of property involved.

(4) The owner of real or personal property will be liable for the assistance received by himself and certain of his relatives. This liability for reimbursement will differ from his liability to contribute out of income to the support of his relatives, which is covered by Chapter 187 (relating to support from relatives not living with client).

(d) *Collection.* Collection of reimbursement claims will be as follows:

(1) The area office will be responsible for collecting reimbursement claims except as provided in § 257.24 (relating to procedures). Records will be maintained of all collections and an Official Receipt, Form PA 175, will be issued for payments received.

(2) The general rule on collection of reimbursement claims is that the Department will proceed in the same way as other creditors. However, there is one very important exception to this rule: the Department will never execute on real property as long as it is the home of the person who is liable for reimbursement, his spouse or children.

(3) The maximum amount the Department will attempt to collect will not exceed the amount of assistance received plus legal costs. Frequently settlement will be made for less, depending upon the circumstances involved in receipt of assistance and ownership of property. Settlements for less, commonly called compromise settlements, will be agreed to only with the approval of the Department of Justice after approval by claim settlement which will take into consideration such factors as degree of ownership, present and future value of property, prior encumbrances, costs of legal action and known court practices. In short, compromise settlements, when made, will be based on good business practice. In addition, escrow agreements as provided in § 257.24 may postpone payment of a claim.

(4) The market value of the property at the time the claim is paid will be one of the bases for settling the claim. The market value at the time of acknowledgment of liability will not be considered.

Authority

The provisions of this § 257.21 issued under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

Source

The provisions of this § 257.21 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; amended August 27, 1982, effective August 28, 1982, 12 Pa.B. 2851. Immediately preceding text appears at serial page (71870).

Notes of Decisions

Claimant's husband, who was a "co-owner" of a house with his mother, is subject to liability under 55 Pa. Code § 257.21(c)(4) and his failure to sign the proper acknowledgement of liability gives cause for denial of benefits, according to 55 Pa. Code § 257.24(a)(ii). *Hasson v. Department of Public Welfare*, 461 A.2d 339 (Pa. Cmwlth. 1983).

The requirement that a recipient of AFDC benefits execute a reimbursement agreement does not intrude upon a tenancy by the entireties property interest, but seeks merely to insure the future accessibility of any recoverable money to which the DPW may be entitled upon termination of the tenancy by the entireties. *Kossmann v. Department of Public Welfare*, 450 A.2d 239 (Pa. Cmwlth. 1982).

The hearing examiner's finding as to the date of ownership of the real property, though not phrased as precisely as it may have been, was specific enough, because it was clarified by the examiner's comment in his discussion on the recipient's attempt to controvert the recited date of sale of the property. *Floyd v. Department of Public Welfare*, 407 A.2d 1388 (Pa. Cmwlth. 1979).

Cross References

This section cited in 55 Pa. Code § 257.24 (relating to procedures).

§ 257.22. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Adult—One who is 21 years of age or older.

Lien—A legal claim on property as security for debt. The lien obtained by filing a DPA 9 is similar to one obtained if the Department sued the person liable for reimbursement and the court gave judgment in favor of the Department.

Living with—Using the same family living quarters. Temporary absences while hospitalized, in detention, working elsewhere and the like will not be considered to interrupt the arrangement.

Minor child—One who is under 21 years of age.

Obligor—The owner of real or personal property subject to reimbursement.

Ownership of property—In accordance with the Support Law (62 P. S. §§ 1971—1977), only property owned or to which there was a right of ownership at the time the assistance was received will be held liable. Reimbursement will be based on the property, not on property acquired after discontinuance of assistance. A right to ownership will exist when there is a resource of which actual possession is delayed because of legal processes or other reason.

Property which is liable for reimbursement—Generally, that which is not immediately converted into cash and used for current maintenance. Resident property, frozen assets, interests in or rights to real property, benefits, compensation, damages or other assets whose conversion into cash is delayed are examples of resources from which reimbursement will be required. A more complete list is given in § 257.23 (relating to requirements).

Reimbursement—The repayment of assistance granted to a person or certain of his relatives while he has ownership or the right to ownership of property. Repayment of assistance for which the recipient was not eligible is termed restitution, as set forth in Chapter 255 (relating to restitution).

Unemancipated minor child—One who is under 21 years of age, not married and in the care and control of his parents.

Source

The provisions of this § 257.22 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180.

Notes of Decisions

The Department's reimbursement regulations requiring welfare recipients with property to sign certain forms while not requiring recipients without property to do so are reasonable and not a violation of equal protection. *Rohrer v. Department of Public Welfare*, 604 A.2d 746 (Pa. Cmwlth. 1992); appeal denied 612 A.2d 986 (Pa. 1992).

The definition of an unemancipated minor set forth at 55 Pa. Code § 257.22 is the same as the common law definition, and the definition set forth in § 257.22, not the definition of emancipated minor set forth at 55 Pa. Code § 145.62 (relating to definitions), applies for purposes of determining eligibility for AFDC. *Ross v. Department of Public Welfare*, 431 A.2d 1135 (Pa. Cmwlth. 1981).

Even though the definitions pertaining to unemancipated minors which appear at 55 Pa. Code § 145.62 (relating to definitions) and 55 Pa. Code § 257.22 (relating to definitions) are materially identical, the definition of "emancipated minor" which appears in the former section applies only to GA benefits, not to AFDC benefits. *Wilson v. Department of Public Welfare*, 412 A.2d 691 (Pa. Cmwlth. 1980).

If the DPW fails to make a finding of fact as to whether an allegedly “unemancipated minor child” was under the care and control of her mother, the court is unable to determine that issue and the case is to be remanded to the DPW for the purpose of making findings of fact and conclusions of law. *Wilson v. Department of Public Welfare*, 412 A.2d 691 (Pa. Cmwlth. 1980).

Although the definition of unemancipated minor which appears in 55 Pa. Code § 257.22 (relating to definitions) is the definition which should be used in determining eligibility for AFDC benefits, the definition of unemancipated minor which appears in 55 Pa. Code § 145.62 (relating to definitions) is materially identical and its use instead was an insignificant error. *Fink v. Department of Public Welfare*, 403 A.2d 214 (Pa. Cmwlth. 1979); affirmed 421 A.2d 205 (Pa. 1980).

§ 257.23. Requirements.

(a) *Ownership rights and reimbursement actions affected.* Ownership rights and reimbursement actions are affected by the following:

(1) Reimbursement is based on the rights to ownership of property while assistance is being received. Both of these factors are variable and the determination of the correct reimbursement action to take to assure acknowledgment of liability for reimbursement is dependent on the following:

- (i) The category, period and relationships involved in the granting of assistance, as provided in subsection (b).
- (ii) The type of property, as described in subsection (c).
- (iii) The way property is owned, as provided in subsection (b).

(2) It is sometimes very difficult to determine when the right to ownership begins. A complete statement of the technical aspects of reimbursement is, therefore, impractical. The material contained in subsections (b) and (c) is confined to the most common legal complications which affect DHS 9s and assignments and their effect on collection and protection of reimbursement claims. A complicated situation and question which cannot be answered by subsections (b) and (c) should be referred to the Area Office which shall either furnish advice as to the property action or will initiate the action itself.

(b) *Assistance categories requiring reimbursement.* Reimbursement is required for the following:

(1) Assistance granted to or for the obligor on or after December 31, 1934, in the case of OAA, or July 1, 1937, for AFDC, AD or GA, plus the assistance in paragraphs (2)—(5).

(2) AFDC and GA granted to or for the spouse and minor children of the obligor:

- (i) On or after July 1, 1937, while they were included in his grant group.
- (ii) On or after July 1, 1942, while they were living with him and he was receiving assistance in the same or different grant group.
- (iii) On or after September 1, 1945, while they were living with him, whether or not he was receiving assistance.
- (iv) On or after August 1, 1950, and before September 1, 1961, regardless of living arrangements or assistance status.

(3) AFDC and GA granted to or for the spouse and unemancipated minor children of the obligor on or after September 1, 1961, regardless of living arrangements or assistance status.

(4) AFDC, GA, OAA and AD granted to or for the parents, grandparents, grandchildren and adult children of the obligor on or after July 1, 1937, and before September 1, 1945, while they were included in his grant group.

(5) Assistance granted on or after September 1, 1949, for the care of the minor child of the obligor in a foster or children's home.

(6) Reimbursement is not required for the portion of AFDC grant received after July 1, 1982 which represents the difference between the amount of the grant with a dependent care deduction made under § 183.44(a)(2)(ii)(A) (reserved) and what the AFDC grant would be if there were no dependent care deduction.

(c) *List of properties liable and methods of acknowledgment.* The following chart governs day-by-day decisions on most property from which reimbursement is required. When a situation arises in which there is an unlisted asset that appears to be similar to others that have been listed, the CAO shall bring it to the attention of the Area Office. If reimbursement is required, the Area Office shall take appropriate action. Although the owner may not be required to make reimbursement from or acknowledge liability of certain assets during the owner's lifetime, a claim filed against his estate at death is against all assets.

<i>ASSET</i>	<i>REIMBURSEMENT REQUIRED OF ASSISTANCE RECEIVED ON AND AFTER THE FIRST PAYMENT DAY FOLLOWING</i>	<i>REIMBURSEMENT NOT REQUIRED</i>	<i>ACKNOWLEDG- MENT OF LIABILITY</i>
<i>REAL PROPERTY</i>			
<i>Burial Plots</i> Owned as an investment	Date acquired	If not owned as an investment but used or planned for use for family burials.	Refer to Area Office
<i>Damages</i> Moneys received from fire insurance and condemnation awards, etc.	Date original property was acquired.	From funds held in escrow to replace property or to repair damages and used for replacement.	Refer to Area Office on PA 173-S (§§ 257.24(g), 257.24(b)(5)(ix)).
<i>Houses on Leased Land</i>	Date acquired		Refer to Area Office (§ 257.24(c)(1)).
<i>Property Purchased with Proceeds of Veterans' Bonus</i>	Date acquired	From that part of the sales price equal to the amount of the bonus invested.	PA 9 (§ 257.24(b)(1))
<i>Real Estate</i> Examples: Resident or nonresident property, surface and subsurface rights, together with the funds acquired from the lease, sale or other conversion of the asset.	Date interest in real estate was acquired or right of action existed from which property resulted. (§ 257.24(h))	From income resulting from transactions that do not deplete the property, e.g., rent or income from farming timber (income from the sale of timber, which has been cut selectively or replaced so that the total timber resources are not depleted).	PA 9 (§ 257.24(b)(1))
<i>Trailer Homes</i>	Date acquired		Refer to Area Office on PA 173-S

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<i>REAL PROPERTY</i>			
<i>Alimony Payments</i>	Normal payment date	If paid before first payment day after normal due date.	PA 176-K *Delayed (specify) payments.
<i>Asset Formerly Owned but not Legally Claimable (Old Debts, Returned Gifts, Etc.)</i>	Date acquired		Refer to Area Office on PA 173-S.
<i>Black Lung Benefits</i>	First day of first month following the month of entitlement.	If paid before first payment day after normal due date.	PA 176-K *Delayed (or retroactive) Black Lung Benefits.
<i>Christmas Savings Funds</i>	Date acquired		Assignment, Refer to Area Office on PA 173-S.
<i>Delayed Wages</i>	Normal payment date		PA 176-K *Delayed Wages due from (specify).
<i>Other Delayed Payments</i>	Normal payment date		Assignment. Refer to Area Office on PA 173-S.
<i>Estates of Deceased Recipients</i>	Date originally acquired		Refer to Area Office PA 176-S.
<i>Goods, Chattels, Autos and Antiques</i>	From date conversion into cash was required	Unless assistance was granted pending conversion into cash.	PA 176-K *Cash from the sale of (specify).

*Insert phrase on PA 176-K

<i>ASSET</i>	<i>REIMBURSEMENT REQUIRED OF ASSISTANCE RECEIVED ON AND AFTER THE FIRST PAYMENT DAY FOLLOWING</i>	<i>REIMBURSEMENT NOT REQUIRED</i>	<i>ACKNOWLEDG- MENT OF LIABILITY</i>
<i>Inheritances by Living Recipients</i>	Date of death of the person who owned the property.		PA 198-S and PA 9 (§ 257.24(c)(2)(iii)).
<i>Leases of Oil, Gas and Mineral Rights</i>	Date right to asset was acquired; not date lease was given.		Assignment. Refer to Area Office.
<i>Life Insurance</i> Cash from adjustment not used for burial reserve.	Date adjustment was required (§ 177.31) (relating to resource limit)		PA 176-K *Cash from Insurance adjustment.
Paid to beneficiary	Date of insured's death but only if payment is delayed.	If benefits are paid promptly. Reimbursement is not required from that part of the resource used to pay burial or last medical expense.	Assignment. Refer to Area Office.
Policies assigned to the Department.	Date adjustment was required (§ 177.31). Limited to death benefits and payment of the face amount while living.	From disability and dividend payments and from exemption not exceeding \$500 from all insurance. See § 177.31.	Assignment on insurance company's form or PA 6-F (§ 257.24(e)(5)).
Policies not assigned to the Department.	Date adjustment was required (§ 177.31) but only if policy should have been assigned.	Unless policy should have been assigned.	Refer to Area Office on PA 173-S.
<i>Lottery Winnings</i>	Date won.		Refer to Area Office on PA 173-S.
<i>Mortgages, Judgments, Trust Funds, Leases, Options, Etc.</i>	Date acquired		Assignment. Send memorandum to Area Office to prepare assignments.

*Insert phrase on PA 176-K

ASSET	REIMBURSEMENT REQUIRED OF ASSISTANCE RECEIVED ON AND AFTER THE FIRST PAYMENT DAY FOLLOWING	REIMBURSEMENT NOT REQUIRED	ACKNOWLEDG- MENT OF LIABILITY
<i>Railroad Retirement Benefits</i>			
Single final payment	Normal payment date	If paid before first payment day after normal due date.	PA 176-K *Delayed (or retroactive) Railroad Retirement Benefits.
Periodic payments	Normal payment date (fourth day of second month following month of entitlement)	If paid before first payment day after normal due date.	PA 176-K *Delayed (or retroactive) Railroad Retirement Benefits.
<i>Personal Damage Claims and Awards</i>			
A claim resulting from injuries to a person.	Date of injury, but no earlier than 9-26-51 when Support Law was amended. Only exception is award made prior to 9-26-51 and being contested; due date is then date of original award. When an award is made to a minor reimbursement required only for assistance to or for minor; if to an adult, calculate in usual way. If a guardian is appointed, a parent's signature is no longer a condition of eligibility. The guardian is asked to sign the 176-K, and if a refusal is encountered, a referral is made promptly to the Claim Settlement Area.	From that part of the award paid for necessary burial and medical costs arising from injury and no otherwise paid, and cost of collecting the damages.	Obtain PA 176-K (*pending recovery of damages) and send to Area Office with memorandum in duplicate summarizing situation and giving names of attorneys, plaintiff, defendant, insurance company, etc.

*Insert phrase on PA 176-K

<i>ASSET</i>	<i>REIMBURSEMENT REQUIRED OF ASSISTANCE RECEIVED ON AND AFTER THE FIRST PAYMENT DAY FOLLOWING</i>	<i>REIMBURSEMENT NOT REQUIRED</i>	<i>ACKNOWLEDG- MENT OF LIABILITY</i>
<i>Personal Property Damages</i> Moneys received from fire insurance, compensation for destruction, etc., on reimbursable property.	Date original property was acquired.	From funds held in escrow for replacement of damaged property and used for replacement and for costs of collection.	Obtain PA 176-K (*pending recovery of damages) and send to Area Office with memorandum in duplicate summarizing situation and giving names of persons and firms involved.
<i>Public Charge Bond</i> (Aliens only. Does not apply to Displaced Persons.)	Date of entry into the country, for a period of 5 years.	If sponsor was not required by Federal authorities to file a bond as a condition for admission of the alien into this country.	Refer to Area Office on PA 173-S.
<i>Railroad Unemployment Benefits</i> Periodic payments	Normal payment date (10th day after end of each registration period).	If paid before first payment day after normal due date.	PA 176-K *Delayed (or retroactive) benefits due under the Railroad Retirement Act.
<i>Rent Refunds</i>	Date of overpayment		Refer to Area Office on PA 173-S.
<i>Retirement Funds Which May Be Withdrawn in One Payment</i>	Date conversion into cash was required	Unless assistance was granted pending conversion into cash.	PA 176-K *Retirement benefits due from (specify)
<i>Social Security Retirement, Survivor's and Disability Income Benefits (RSDI)</i>	Normal payment date	If paid before first payment day after normal due date	PA 176-K* Delayed or retroactive social security retirement, survivor's or disability income benefits.

*Insert phrase on PA 176-K

<i>ASSET</i>	<i>REIMBURSEMENT REQUIRED OF ASSISTANCE RECEIVED ON AND AFTER THE FIRST PAYMENT DAY FOLLOWING</i>	<i>REIMBURSEMENT NOT REQUIRED</i>	<i>ACKNOWLEDG- MENT OF LIABILITY</i>
<i>State Employees Retirement System Benefits</i>			
Single final payment	Normal payment date (6 weeks from date of separation)	If paid before first payment day after normal due date.	PA 176-K *Delayed (or retroactive) State Employees Retirement System.
<i>State Employees Retirement System Benefits</i>			
Periodic payments	Normal payment date (6 weeks from effective date or retirement)	If paid before first payment day after normal due date.	PA 176-K *Delayed (or retroactive) State Employees Retirement System.
Paid to beneficiary death	Normal payment date (7 weeks from date of employee's death)	If paid before first payment day after normal due date. Reimbursement is not required from that part of the resource used to pay burial or last medical expense.	PA 176-K *Delayed benefit State Employees Retirement System.
<i>SSI-Supplemental Security Income</i>	Normal payment date.	If paid before the first payment day after normal due date.	PA 176-K for AFDC *Delayed (or retroactive) benefits SSI. 176-S for GA SBP.
<i>Other Federal Benefits and Pensions</i>	Normal payment date.	If paid before first payment day after normal due date.	PA 176-K *Delayed payment day after (or retroactive benefits due from <u>(specify)</u>
<i>Other Retirement Benefits and Pensions</i>	Normal payment date.	If paid before first payment day after normal due date.	PA 176-K *Delayed (or retroactive) benefits due from <u>(specify)</u>

*Insert phrase on PA 176-K

<i>ASSET</i>	<i>REIMBURSEMENT REQUIRED OF ASSISTANCE RECEIVED ON AND AFTER THE FIRST PAYMENT DAY FOLLOWING</i>	<i>REIMBURSEMENT NOT REQUIRED</i>	<i>ACKNOWLEDG- MENT OF LIABILITY</i>
<i>Sick Benefits</i> All kinds	Normal payment date.	From that part of benefits paid for necessary medical and burial costs arising from the illness and not otherwise paid and costs of collecting the benefits.	PA 176-K *Delayed sick benefits
<i>Soldiers' Allotments</i>	Normal payment date.	If paid before first payment day after normal due date.	PA 176-K *Allotment from (specify)
<i>Stocks, Bonds B & L Shares Not Immediately Saleable</i>	Date acquired		Assignment on certificate ownership (§ 257.24(e)(6))
<i>Support Order Payments</i>			
Orders payable to recipient	Normal payment date	If paid before first payment day after normal due date.	PA 176-K *Delayed support payments.
Orders payable to Department	As ordered by the court		Refer to Area Office on 173-S
<i>UMWA Welfare Fund Benefits</i>			
Initial payments		Under any circumstances	
Suspended payments —payments for a period during which the Fund suspended payments and which are later paid retroactively	The beginning of the suspension	If retroactive benefits are not paid.	PA 176-K *Suspended benefits from the UMWA Health, Welfare and Retirement Fund
<i>Unemployment Compensation</i>			
Pennsylvania employment	Normal payment date (7 days after reporting day).	If paid before first payment date after normal due date.	PA 176-U (See § 257.24(e)(2)).

*Insert phrase on PA 176-K

<i>ASSET</i>	<i>REIMBURSEMENT REQUIRED OF ASSISTANCE RECEIVED ON AND AFTER THE FIRST PAYMENT DAY FOLLOWING</i>	<i>REIMBURSEMENT NOT REQUIRED</i>	<i>ACKNOWLEDG- MENT OF LIABILITY</i>
Out-of-State employment, Federal Employee and Veterans Unemployment Compensation	Normal payment date (7 days after reporting day. See § 225.11.	If paid before first payment day after normal due date.	PA 176-K *Delayed Unemployment Compensation (Out-of-State or Federal Employee or Veterans)
<i>Unsecured Claims, Unsecured Loans Due Applicant/recipient</i>	Date acquired	Unless assistance was granted pending conversion into cash	Assignment if possible, otherwise PA 176-K Money due me from (specify) (§ 257.-24(i)(1))
<i>Veterans Benefits and Pensions</i>	Normal payment date	If paid before first payment day after normal due date	PA 176-K *Delayed (or retroactive) benefits due from (specify)
<i>Vocational Training Payments</i>	Normal payment day (7 days after the end of the compensable training week).	If paid before first payment date after normal due date.	PA 176-K Enter on form: Delayed (Specify) Training Payments.
<i>Workmen's Compensation</i>			
Periodic benefits	Normal payment date (end of 2nd week following injury)	If paid before first payment date after normal due date.	PA 176-K *Delayed Workmen's Compensation Benefits
Lump-sum award	Date of injury	From that part of benefits paid for necessary medical and burial costs arising from the illness and not otherwise paid and costs of collecting the benefits.	PA 176-K *Workmen's Compensation Benefits

*Insert phrase on PA 176-K

Authority

The provisions of this § 257.23 issued under section 403(a) and (b) of the Public Welfare Code (62 P. S. § 403 (a) and (b)).

Source

The provisions of this § 257.23 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 291; amended July 3, 1981, effective September 2, 1981, 11 Pa.B. 2394; amended August 27, 1982, effective August 28, 1982, 12 Pa.B. 2851; amended October 15, 1982, effective October 16, 1982, 12 Pa.B. 3738; amended October 15, 1982, effective October 16, 1982, 12 Pa.B. 3738; amended August 26, 1988, effective November 1, 1988, 18 Pa.B. 3893; amended August 26, 1988, effective November 1, 1988, 18 Pa.B. 3921. Immediately preceding text appears at serial pages (109148) to (109158).

Notes of Decisions

Discontinuing a recipient's eligibility because of his refusal to sign Form PA 176-K as an acknowledgment of liability for a pending workmen's compensation claim is permissible since the form is not an assignment of such claims and is not tantamount to legal process, but this is not to say that the form may be used for reimbursement based on moneys received under such claims. *Congleton v. Department of Public Welfare*, 409 A.2d 1382 (Pa. Cmwlth. 1980).

A pending workmen's compensation claim is property. *Congleton v. Department of Public Welfare*, 409 A.2d 1382 (Pa. Cmwlth. 1980).

When a petitioner's unemployment benefits cover a different time period than was covered by public assistance, the unemployment benefits should not have been deducted from assistance amount. *Toney v. Department of Public Welfare*, 561 A.2d 75 (Pa. Cmwlth. 1989).

Cross References

This section cited in 55 Pa. Code § 257.22 (relating to definitions); and 55 Pa. Code § 257.24 (relating to procedures).

§ 257.24. Procedures.

(a) *Acknowledgment of liability.* Acknowledgment of liability will be as follows:

(1) *General.* Liability for reimbursement will be as follows:

(i) Liability for reimbursement will not be dependent upon agreement by the debtor. Action to protect or collect could be delayed until the obligor leaves the assistance rolls or the asset is converted. This delay, however, would increase the amount of the claim by adding cost of the court suit and the like. In addition, the Commonwealth would collect fewer claims because the assets could be spent before collection, and uniformity of treatment could not be assured.

(ii) To avoid the publicity and additional costs imposed on a former recipient or his estate by court action, and to assure equal treatment, persons who are liable for reimbursement will be required to acknowledge in writing at the time of application their liability for reimbursement. If property is real estate, this acknowledgment will be recorded at the courthouse and become a lien against the real estate owned by the signers. If the property owned is personal, the acknowledgment may transfer the title to the Commonwealth.

(iii) Only owners of property which is liable for reimbursement will be required to sign acknowledgments of liability. The liability of the property may be for assistance to the owner, to his relatives, or both, in accordance with § 257.21 (relating to policy). If property which is liable because assistance was received by the owner or his relatives, is sold or transferred, the new owner may be asked to acknowledge the liability of the former owner or he may be asked to agree to have his name included as a judgment debtor if settlement of the claim is to be postponed. Other actions will be possible when owners change and the county office should notify the area office when it learns of the transfer of property which is liable for reimbursement. The area office will take any action necessary.

(iv) Although there will be no liability for reimbursement of Blind Pension, a blind pensioner who is liable for repayment of AFDC or GA received by his relatives in accordance with § 257.21 will be required to acknowledge the liability of his property in the same way as a nonapplicant obligor.

(2) *Acknowledgment by applicant and recipient.* Acknowledgment of liability for an applicant or recipient will be obtained as follows:

(i) *Applicant.* Acknowledgment of liability for an applicant will be as follows:

(A) When it is known that there is reimbursable property, the person, whether or not an applicant, who is liable for reimbursement must sign the proper acknowledgment of liability for future assistance before he or his spouse or unemancipated minor children living with him can be considered eligible for assistance.

(B) A person who was liable and who had not signed the acknowledgment of liability for assistance previously granted will be requested to acknowledge liability for the previous assistance as well before assistance is granted.

(C) If the person refuses to acknowledge liability for this previous assistance, the claim will be referred to the area office. If the county office records show the person refused to sign in the past, no assistance may be granted until the acknowledgment is completed. If, however, there is no record of a previous refusal, assistance will be granted if otherwise eligible.

(D) The required acknowledgments should be obtained during the application process or before the issuance of the first check. When there is an unavoidable delay, as where a spouse is temporarily absent because of hospitalization, or when court action is being taken by a guardian, the applicant and property owner should use reasonable speed and take every reasonable step to acknowledge liability. If otherwise eligible, assistance will be granted while these steps are being taken. Assistance will be discontinued immediately if the acknowledgment is refused or is delayed except as provided in this subsection.

(ii) *Recipient.* The responsibilities of the recipient will be as follows:

(A) The person, whether or not a recipient, who is liable for reimbursement must sign the proper acknowledgment of liability for past and future assistance before he or his spouse or unemancipated minor children living with him can be considered eligible for continued assistance whenever either of the following take place:

(I) Reimbursable property is acquired.

(II) Property subject to reimbursement is discovered by a review, audit, or other means and an acknowledgment should have been obtained but was not.

(B) If the person refuses to sign the proper acknowledgment of liability, assistance will be discontinued, with proper notice, and the claim will be referred to the area office in accordance with subsection (a).

(3) *Acknowledgment of liability of a minor or incompetent adult.* Only a guardian authorized by the court which appointed him, or other representative authorized by the court which designated him, may sign an acknowledgment of liability of an adult declared to be incompetent by a court. The guardian or representative will initiate the court action necessary and assistance will be granted in the cases until the guardian or representative can obtain authority to sign. Sufficient time will be allowed to complete the process. If the property owner is a minor, the regulation will be the same as in the case of an incompetent adult. If the guardian or representative refuses to sign or to request authority to sign, assistance will be granted to the minor and a memorandum referral made promptly to claim settlement area. If the court refuses to give the necessary authority, or if there is no guardian or representative, assistance may be granted if the person is otherwise eligible, and the county office will take action on reimbursement as advised by the area office.

(4) *Acknowledgment of liability by property owner not living with spouse or unemancipated minor children.* A liable property owner not living with his spouse or unemancipated minor child should sign an acknowledgment of his liability for the reimbursement of the assistance granted them. The county office will obtain the signatures of property owners located in the same county. If an acknowledgment is refused or if the property owner is not located in the same county as the applicant, the area office will take the action necessary to obtain an acknowledgment, including legal action if necessary. The failure of the property owner to sign voluntarily will not affect the eligibility of his relatives. The county office will notify the area office by Form PA 173-S when it receives information that an absent relative owns real or personal property other than that which may be treated as income, such as wages, benefits, and the like. The county office will learn of the possession of property by questioning the applicant or recipient or from information brought to it. The county office will not be required to make an investigation to discover possible assets of an absent relative.

(b) *Methods of acknowledging liability of real property.* The methods of acknowledging liability of real property shall conform with the following:

(1) *General.* Methods of acknowledging liability for real property in general are as follows:

(i) Form PA 9—Reimbursement Agreement—is used to acknowledge the liability of real property. Form PA 9 contains a confession of judgment which, when signed and recorded with the prothonotary of the county in which the property is located, becomes a lien against the real property owned at the time of recording. The lien thus obtained makes it unnecessary to obtain judgment through suit. Form PA 9 provides for repayment of assistance granted to or for property owner, spouse and unemancipated minor children.

(ii) Whenever the CAO learns that an owner of real property liable for reimbursement of assistance granted before August 1, 1950, failed to sign a Form PA 9, the Area Office shall be notified by memorandum. This memorandum shall specify the following:

(A) The dates the reimbursable assistance was received.

(B) The relationships of persons who received the reimbursable assistance.

(C) Whether or not the obligor is willing to sign a reimbursement agreement covering the earlier assistance.

(iii) If the obligor is willing to acknowledge liability for the assistance granted before August 1, 1950, the Area Office will prepare a special reimbursement agreement and send it to the CAO for signature and recording. If he is not willing, the Area Office shall endeavor to obtain reimbursement by whatever action is appropriate.

(iv) A new acknowledgment shall be obtained upon reapplication if the old one has been satisfied or reduced to an exact amount by revival or stipulation, or if the old case record has been destroyed or the material sent to the Area Office. The new acknowledgment is needed in these situations to cover future assistance. A new acknowledgment may also be required upon reapplication if the amount of assistance previously granted already equals \$5,000, as provided in paragraph (5)(i).

(2) *Signatures on Form PA 9.* A signature on the Form PA 9 shall be in accordance with the following:

(i) The signature on Form PA 9 shall agree exactly with the name of the owner as it appears on the paper which is evidence of ownership, and the deed or other evidence of ownership shall be examined to make certain that the names are the same. If the deed and other evidence of ownership is unavailable but has been recorded, the records of the recorder of deeds shall show the name of the owner. If no deed or other evidence of ownership has been recorded, the owner is required to take the steps necessary to obtain and record the instrument. The CAO may record the instrument. In this case the

CAO shall report the advanced costs to Claim Settlement Division, Harrisburg, on Form PA 3-R (Property Lien Notice) which also shall report the recording of the Form PA 9.

(ii) If the owner is unable to obtain proofs of ownership, or if the proofs cannot be recorded, the CAO shall submit a summary by memorandum to the Area Office attaching all available proofs of ownership. The CAO will be informed of the proper action.

(iii) The way the real estate is owned affects the signing of an agreement to repay. Subsection (c)(1) contains a description of the common types of ownership and the signatures required. If a situation does not seem to fit the types described in subsection (c)(1), the Area Office shall be consulted. The Area Office shall obtain signatures from individuals living outside the county.

(iv) Each signature on the Form PA 9 shall be witnessed and dated. The worker may be the witness. Several signatures may be bracketed and witnessed as one. Bracketed signings shall be done at the same time.

(v) A signature by mark "X" shall be witnessed by two persons who enter their post office addresses with their signatures.

(vi) For acknowledgment of liability of real property acquired by inheritance, refer to subsection (c)(2)(iii).

(3) *Recording Form PA 9.*

(i) Form PA 9 shall be recorded in the office of the prothonotary of the county in which the real estate of the signer is located. If a person liable for reimbursement owns real estate in two or more Commonwealth counties, a separate Form PA 9 shall be obtained and recorded in each county.

(ii) The CAO shall record Form PA 9 on property located in that county, checking for transfers before recording. The Area Office will record Form PA 9s on property located in another county. For out-of-State property, refer to subsection (c)(3).

(iii) When it is discovered that the property has been transferred, a referral will be sent to the Area Office if reimbursable assistance has been received.

(iv) Form PA 9 covers property owned by the signer which is recorded in his name in the courthouse at the time the Form PA 9 is recorded. It is important, therefore, that the deed or other evidence of ownership be recorded before the Form PA 9. Practices differ from county to county, and the CAO shall learn from the prothonotary whether the Form PA 9 may be safely recorded on the same day or the day following the recording of the deed.

(v) When the recorder enters a deed and other evidence of ownership in his records he shall note that fact on the paper recorded. Absence of the recorder's statement of entry shows that a deed has not been recorded.

Before recording the Form PA 9, it is necessary to make certain the names on the deed and the Form PA 9 are the same.

(4) *Recording report.* Notice of the recording of a Form PA 9 or other agreement to repay as well as the recording of a deed or similar document shall be sent to Claim Settlement Division, Harrisburg, on Form PA 3-R (Property Lien Notice), a 3 by 5 card assembled in sets of two with carbon interleaved. The recording of a deed or similar instrument and the cost shall be reported on the same Form PA 3-R which shows the recording of the protective instrument such as a Form PA 9. The CAO shall fill in the form on the typewriter and, without separating the forms from the carbon, send both copies to Claim Settlement Division, Harrisburg. The recording information shall also be posted to Face Sheet, Form PA 740. The CAO shall be notified when the Regional Office records an agreement.

(5) *Real property liens.* Real property liens shall be processed as follows:

(i) *General.* Real property liens in general are as follows:

(A) The Form PA 9 lien shall be limited to \$5,000. When the amount of reimbursable assistance approaches \$5,000, it is necessary to obtain and record a new Form PA 9 if the county-assessed value of the property is over \$200.

(B) In order that a worker may be reminded to obtain the second Form PA 9, an entry shall be made in the General Control File as soon as the first Form PA 9 is obtained. The maturity date for this entry shall be the number of months in the future obtained by dividing \$5,000 by the monthly liability for assistance currently authorized.

(C) A similar entry in the General Control File shall also be made for each person who signed one Form PA 9 before the effective date of this procedure. The maturity date of this entry is the number of months in the future obtained by dividing the excess of \$5,000 over the estimated amount of reimbursable assistance already granted, by the current monthly liability for reimbursement.

(D) It is not necessary to establish a plan for obtaining more than two Form PA 9s. Subsequent Form PA 9s shall be obtained if both the real estate subject to reimbursement and reimbursable assistance are more than \$10,000, \$15,000 and so on.

(E) Form PA 9, revised on or after July, 1950, may not be used if the reimbursable assistance was granted before August 1, 1950. A special reimbursement agreement from the Area Office shall be requested as set forth in paragraph (1).

(F) Since a Form PA 9 covers only property owned at the time of recording, an additional Form PA 9 is needed whenever additional property is acquired by a person liable for assistance being granted.

(G) An additional Form PA 9 shall be obtained and recorded in the same way as the original Form PA 9. When reporting the recording of an

additional Form PA 9 by Form PA 3-R, a brief explanation of the reason for the recording shall be included, such as “acquired property” or “liability over \$5,000.”

(ii) *Assignment of lien.* An assignment of lien transfers the rights of the Department under the lien. The most common reason for assignment of lien is the desire of one of several heirs of a deceased obligor to obtain the real property. Requests for assignment of lien shall be referred to the Area Office which will process them and notify the CAO.

(iii) *Correction of a recorded lien.* When a Form PA 9 has been recorded in a name which does not agree exactly with the name under which the title to the property is held, the recorded lien may often be corrected. When this difference in names is discovered, the Area Office shall be notified. The Area Office shall either instruct the CAO what to do or shall take proper action itself.

(iv) *Release.* A release of a lien shall conform with the following:

(A) A release of a lien is the discharge of the property being released from liability for the judgment upon which the lien is based. Other real property of the debtor which has not been released remains subject to the lien and liable for the judgment upon which the lien is based.

(B) A request for the release of a lien shall be directed to the Area Office of the Bureau of Claim Settlement which has or last had jurisdiction over the client—debtor. The Area Office shall make an investigation and then recommend to the Director of the Bureau of Claim Settlement that the request either be approved or disapproved. The final decision is made by the Director or a designee.

(C) A release of a lien may be allowed under the following circumstances:

(I) If the debtor pays the Department the lesser of either the amount of the Department lien, together with interest and costs, or the value of the property for which the release is sought, that value being the market value at the time of the release.

(II) If the property being released is not liable and should not have been subject to the lien.

(III) If a deed in lieu of foreclosure of a mortgage has been agreed upon between the client—debtor—and a governmental or lending agency and the value of the liens prior to the Department lien equal or exceed the market value of the property being released.

(v) *Revival.* A lien expires after 5 years unless it is revived within that period. To revive the lien, the Area Office shall file a Form PA 184-S (Suggestion of Nonpayment), with the prothonotary in the county of record shortly before the expiration of the 5-year period. The CAO shall be notified when a lien is not revived or is revived in the exact amount of the debt. If

property is still owned, the CAO shall obtain and record a new Form PA 9 if additional assistance is authorized.

(vi) *Satisfaction.* Procedures concerning the satisfaction of liens are as follows:

(A) A satisfied lien is one which has been discharged by a formal written acknowledgment by its holder, the creditor. When an obligor wants to pay his claim or some other person, such as a new owner, wants to satisfy the lien, he shall be referred to the Area Office.

(I) If the amount of PA received by a welfare recipient does not exceed the face amount of the recorded Department's judgment, the Department will prepare an order of satisfaction upon tender of the amount of assistance received plus costs pertaining to the recordation and revival of the judgment.

(II) If the amount of PA received by a welfare recipient exceeds the face amount of the recorded Department's judgment, and the welfare recipient refuses to reimburse the Department for the entire amount of PA received which is subject to reimbursement, the Department will prepare an order of satisfaction upon tender of the face amount of the judgment plus simple interest at the rate of 6% *per annum* on the amount of PA received up to the full amount of the judgment, plus costs pertaining to the recordation and revival of the judgment. The amount of interest shall be calculated each time that a PA check is issued by multiplying 6/26 (.2307) times the amount of assistance previously received from the date that the judgment is recorded until the date that the tender of the judgment is made. This satisfaction of the judgment does not bar subsequent action by the Department to recover any amount of PA for which reimbursement has not been made.

(B) When the payment agreed upon has been made, the payer is given an "Order to Enter Satisfaction" for him to record, at his own expense, with the prothonotary of the county in which the lien was recorded. The CAO shall be notified of the payment and the furnishing of an order to satisfy the lien. On reapplication a new Form PA 9 is needed.

(vii) *Stipulation.* Although the PA lien is in the nominal amount of \$5,000, the actual reimbursement claim may be less. If assistance reimbursable by the obligor has been discontinued, he may have the amount of the lien reduced to the actual claim. This is done by recording a stipulation specifying the exact amount of the claim. If an obligor wants a stipulation, he shall submit a written request to the Area Office or CAO. A Form PA 173-S shall then be sent to the Area Office by the CAO and the exact amount of the claim is computed. A stipulation shall be prepared by the Area Office and sent to the obligor for him to record at his own expense and the CAO shall be notified because a new Form PA 9 is necessary if assistance is resumed.

(viii) *Judicial sales.* Procedures concerning judicial sales are as follows:

(A) Judicial sales include sales by government bodies for nonpayment of taxes—tax sales, sales by administrators of estates and sheriff sales. The laws regarding these sales and their effect upon property titles are complicated and their application varies throughout this Commonwealth. As a general rule these sales may divest the property of the Department lien.

(B) The Area Office shall review notices of judicial sales and request referrals if the nature of the sale makes it necessary to present the claim of the Department to the authority selling the property.

(C) When advisable to protect the reimbursement claim, the Area Office shall bid on the property at the judicial sale. The results of the sales which affect the status of the lien shall be reported to the CAO. If the property is purchased for the Commonwealth, it shall be managed by the Claim Settlement Division.

(ix) *Escrow agreements.* Procedures concerning escrow agreements are as follows:

(A) An escrow agreement is a means for holding money. Under this type of agreement, funds are held by a responsible person or institution to be released under specified conditions of time and purpose.

(B) Normally, money from the sale or other conversion of a reimbursable asset is paid to the Department. In certain circumstances the Department may consent to its being held in escrow for the purpose of replacing or protecting an asset. An example is the setting aside of the funds from a fire insurance settlement for the replacement of a home destroyed by fire.

(C) The review, approval and preparation of the escrow agreements is the responsibility of the Claims Settlement Division. A request coming to the attention of the CAO shall be referred to the Area Office on Form PA 173-S. The Executive Director may be asked, and, if willing, may serve as escrow holder.

(x) *Postponement.* A postponement of a lien shall conform with the following:

(A) A postponement of a lien is the subordination of a presently prior lien to the lien of a subsequent judgment or mortgage. The right of the Department to collect the amount of its lien from the property is thereby deferred to the right of another lienholder to collect the amount of its lien first.

(B) A Department lien may be postponed only with the approval of the Office of Attorney General.

(C) A request for the postponement of a lien shall be directed to the Area Office of the Bureau of Claim Settlement which has or last had jurisdiction over the client—debtor. The Area Office shall make an investigation and then recommend that the request either be approved or disapproved.

(D) A postponement of a lien may be allowed under the following circumstances:

(I) If the position of the Department as a creditor is not adversely affected, in that the value of the property after repairs, less the amount of the lien for the cost of repairs, equals or exceeds the value of the property before repairs.

(II) If the Department receives fair consideration for the postponement.

(III) If the postponement is required to permit a mortgage or loan which has been arranged through or by a Commonwealth agency, bureau or office.

(IV) If the debtor currently is eligible to receive assistance under the Public Welfare Code (62 P. S. §§ 101—1411) and the postponement is required to implement a mortgage or loan in the amount which is necessary to pay for repairs to the property, and these repairs are required to protect the health, safety or welfare of the debtor or the family of the debtor.

(c) *Real property ownership rights and reimbursement actions.* Real property ownership rights and reimbursement actions will conform with the following:

(1) *General.* Real property, also known as real estate, will include not only the land itself and all things contained therein, such as minerals, but also growing timber as well as buildings, structures, improvements and other fixtures of whatsoever kind thereon. Usual types of ownership are described in the following table and the appropriate reimbursement actions are described:

<i>KIND OF TITLE</i>	<i>HOW TO RECOGNIZE</i>	<i>REIMBURSEMENT ACTION</i>
<i>Sole Ownership</i> One person holds all rights to the property.	Deed or will specifies only one owner.	PA 9 is signed by the property owner. Entire value of the property is liable for reimbursement of assistance for which the property owner is liable.
<i>Tenancy by the Entireties</i> Husband and wife own property jointly; upon death of one spouse the survivor becomes sole owner.	Deed or will specifies a husband and wife owners and does not specify tenancy in common.	Both must sign the same PA 9. The entire value of the property is liable for reimbursement of assistance for which either or both are liable.

<i>KIND OF TITLE</i>	<i>HOW TO RECOGNIZE</i>	<i>REIMBURSEMENT ACTION</i>
<i>Tenancy in Common</i> There are two or more owners and each owns a share of the property. Each owner may sell or encumber his share alone and when an owner dies his share becomes part of his estate.	Deed or will names two or more persons as owners without specifying right of survivorship. In the case of husband and wife, the deed or will must indicate that property is not held by entireties.	Each owner liable for reimbursement signs a separate PA 9. Each share of the property is liable for reimbursement of assistance for which that owner is liable.
<i>Tenancy with Right of Survivorship</i> This has some of the elements of both tenancy by the entireties and tenancy in common; however, on the death of one owner his share passes to the survivor(s).	Deed or will names two or more owners, not man and wife, and the right of survivorship is specifically provided.	Refer to the Area Office for a special agreement. The property is liable for reimbursement but the effectiveness of the protection depends on obtaining all the signatures.
<i>Life Interest</i> Life tenant and remainderman each hold simultaneous interests in the same property. Life tenant enjoys use and income from property during his lifetime or the lifetime of some other person. The remainderman receives his full interest upon termination of life interest.	Deed or will specifically mentions the rights of the life tenant and the remainderman.	Life tenant signs PA 9. The remainderman signs a PA 9 for all assistance for which he is liable from the date of delivery of the deed or the date of death of the person willing him the property.
<i>Building on Leased Land</i> Land on which building is erected is owned by one party; house only is owned by another.	Owner of building has a lease allowing possession of land for a specified period of time.	County Office obtains and records chattel mortgage from house owner. To get form, County Office sends memorandum to Area Office listing house owner's name, description and address of building, and land owner's name.

(2) *Acquisition of real property.* Acquisition of real property will be in accordance with the following:

- (i) *Deed.* When real estate is transferred, the title usually passes to the new owner by a document called a deed. The deed shows who owns the property and the type of ownership. The date the title passes to the new

owner is the date of delivery, generally the same as the date of acknowledgment. Real estate deeds will be recorded in the office of the recorder of deeds in the county where the property is located. The recorder will make a copy of the deed and file it in his office where it will be available for inspection. The date and time the deed is accepted for recording as well as the deed book and page number will be shown on the original deed. Absence of this information from the deeds will mean that it has not been recorded.

(ii) *Articles of agreement (sales agreement)*. Articles of agreement are contracts to buy and sell real property. They are most commonly used in installment purchases. Although complete, or legal, title to the property does not pass to the new owner until the deed is delivered, the buyer does obtain a right in the property, an equitable title, as soon as the agreement is made. So far as reimbursement is concerned, articles of agreement will be considered the same as a deed. The articles should be recorded before the Form PA 9 and the name on the Form PA 9 should be the same as the purchaser on the articles. In cases where the buyer is married the spouse should also sign the Form PA 9, even if not mentioned in the sales agreement. The Form PA 9 should be recorded even though the articles of agreement cannot be recorded. If the county office learns later that the articles have been recorded, the area office should be notified.

(iii) *Inheritance*. Procedures concerning inheritance shall conform with the following:

(A) In each case involving an estate where all the heirs are adults, the county office will have each liable heir sign a separate Assignment of Interest in Decedent's Estate, Form PA 198-S, in duplicate. The heir will sign his full name, or in case of a will, in the same way as shown in the will. Signatures of liable heirs not living in the county of application will be obtained by the area office. If one of the liable heirs is a minor, the case will be submitted to the area office for advice.

(B) The original and duplicate of Form PA 198-S and a copy of the will, if any, will be sent to the area office with the Form PA 173-S. The Form PA 173-S will include the name and address of the administrator and attorneys, if any, and any other pertinent information.

(C) If real property is involved, the county office, in addition to taking the above action, will obtain and record an individual Form PA 9 from each liable heir.

(iv) *Tax sale*. Real property owned by a recipient may have been sold or may be scheduled for sale for delinquent taxes. In general, the original owner will retain rights of ownership in the property for two years after the property has been sold for nonpayment of taxes by the city or county treasurer, and may lose all rights if the property has been sold by the sheriff or county commissioners. The terms of certain sheriff sales for taxes will allow the former owner a year to redeem the property. A lien can be obtained which

will be effective against rights which have not been lost. The taxing authorities will act under various laws which do not affect the rights of the owner uniformly. Several general rules appear in this subparagraph. Other situations will require the advice of the area office. The county office should notify the area office when it learns of any of the following situations:

(A) County treasurer's sales to a third person, which is a person other than the owner, will not be final for two years. During this period, the owner may regain full title by paying the delinquent taxes and certain other charges. The county office should, therefore, obtain and record a Form PA 9 during the two years redemption period.

(B) County treasurer's sales to the county commissioners will not be final until the commissioners, in turn, sell the property to a third person. The county office should, so long as the commissioners have not sold the property, obtain and record a Form PA 9 in the usual manner.

(C) Tax Claim Bureau sales will be final and title will be lost. However, as long as the Tax Claim Bureau has not actually sold the property, the county office should obtain and record a Form PA 9 in the usual manner.

(D) The new owner, if his property is liable for reimbursement, will be required to sign a Form PA 9 regardless of the way title was acquired and regardless of any rights of redemption the former owner may have.

(v) *Adverse possession (squatters' rights)*. Adverse possession is the acquisition of property by open, notorious, and continuous possession or use of the property for a period of 21 years hostile to the rights of the actual owner. The Form PA 9 should be signed in the legal name of the obligor and also in any other names by which he is known.

(3) *Real property located outside of this Commonwealth*. Each state has its own laws relating to real property, its ownership, sale and encumbrances. It is impractical to specify the proper action to be taken when a person liable for reimbursement owns property outside of this Commonwealth. Each such case should be referred to the area office by a memo giving the following information:

- (i) The name or names of the owner.
- (ii) The kind of title.
- (iii) The exact location of the property.
- (iv) Known information about the value of the property and the encumbrances against it. The area office will take the necessary action.

(d) *Methods of acknowledging liability for assignable personal property*. When assignable personal property is liable for reimbursement, the usual action taken to obtain repayment from such assets will be to have the owner sign and turn over to the Department the document which is the evidence of ownership so as to transfer ownership to the Department. The owner will be given an Assignment Receipt, Form PA 198.

(e) *Personal property ownership rights and reimbursement actions.* Personal property ownership rights and reimbursement actions are as follows:

(1) *General.* The numerous types of personal property and varieties of ownership make a standard procedure impractical. Instructions for obtaining acknowledgment of liability of personal property are given in § 257.23(c) (relating to requirements). The handling of the types contained in this subsection is more involved than most other types of personal property and is therefore shown in greater detail than found in § 257.23(c).

(2) *Delayed unemployment compensation.* Benefits are considered delayed if they are received later than the normal payment date as listed in § 257.23(c). Reimbursement of assistance which is granted pending receipt of the payment is required. The action to be taken and the "Agreement" form to be signed by the claimant depends on the type of compensation. It is important that the appropriate agreement form be obtained and forwarded to claim settlements promptly whenever assistance is granted to a person whose unemployment compensation is delayed.

(i) *Form PA 176-K (Agreement and authorization to Pay Claim).* The Form PA 176-K is used to refer claims for assistance granted because of delayed unemployment compensation from the following sources, under subsection (f)(2).

- (A) Employment outside of this Commonwealth.
- (B) Federal Employee Unemployment Compensation.
- (C) Railroad Unemployment Compensation.
- (D) Veterans Unemployment Compensation.

(ii) *Form PA 176-U (Agreement to Pay Claim-Delayed UC Checks).* Use of Form PA 176-U shall be as follows:

(A) The Form PA 176-U shall be used when all or part of the compensatory employment was in this Commonwealth. The recipient shall be informed that the Form PA 176-U has a limited Power of Attorney clause which enables the Department to deposit available UC checks to apply against the reimbursable PA. Form PA 176-U shall be prepared and distributed according to the instructions on the form. The information needed shall be obtained from the forms which the claimant receives from the local UC office and from his statements. Certain information, such as whether an appeal from a disqualification or a request for a redetermination has been made, may be obtained from the local UC office. If there is no apparent reason for delay, the local UC office may be able to supply the details. Entering the correct Social Security Number is extremely important.

(B) The Bureau of Claim Settlement shall send the Form PA 176-U to the Bureau of Employment Security. The first check, or group of checks, written after the forms are processed shall be sent to the Bureau of Claim Settlement. The Bureau of Claim Settlement uses a transcript of assistances

granted to compute the amount of the reimbursable assistance. The amount is calculated from the date the UC was originally due to the date of expected closing or adjustment because of UC. The amount collected is the amount of reimbursable assistance or the total of the UC checks, whichever is less. The claimant shall be notified by letter from the Bureau of Claim Settlement within 20 days from the date the Bureau of Employment Security notifies the Bureau of Claim Settlement that the UC check is available. The letter shall itemize the UC checks involved and the amount of reimbursable assistance received. The overage, if any, shall be forwarded to the claimant.

(C) The Claims Settlement Agent shall compute from the case records the amount of reimbursable assistance received from the due date to the date of expected closing or adjustment because of UC. This figure is compared with the total of the UC checks and the lesser amount collected. An overage is given to the claimant by the CS Agent.

(D) A Form PA 189-R (Claim Settlement Report of Referral) showing the period of claim, the amount collected and the amount given to the claimant shall be prepared by the CS Agent and sent to the CAO immediately.

(3) *Delayed wages.* Reimbursement is required of assistance granted, pending the receipt of wages not paid on the normal payday. Wages received when normally due are considered as income to be adjusted to the grant under Chapter 183 (relating to income). The form for acknowledging reimbursement from delayed wages is Form PA 176-K (Agreement and Authorization to Pay Claim) as set forth in subsection (f).

(4) *Inheritances.* The instructions given in subsection (c)(2)(iii) apply to inheritances of personal property.

(5) *Life insurance.* Procedures concerning life insurance are as follows:

(i) Assignment of insurance on the life of a person liable for reimbursement, and acknowledgment of liability of insurance for reimbursement of assistance and agreement to repay, are obtained under the conditions listed in § 177.31 (relating to resource limit). A payment from a life insurance policy not subject to liability for reimbursement and repayment, and not subject to assignment or to naming of the Commonwealth as beneficiary, is not reimbursable. A payment of face amount of an assigned policy or a policy on which the Commonwealth is named beneficiary, and a payment of cash from an insurance adjustment, is reimbursable under the conditions and limitations in § 177.31. A periodic disability payment or dividend is not reimbursable. The payment is considered income and does not deplete the resource liable for reimbursement.

(ii) The insurance company form for total assignment shall be used in preference to Form PA 6-F. The assignment form shall be completed in triplicate naming “Commonwealth of Pennsylvania, Department of Human Services” as assignee.

(iii) The original of the assignment shall be sent to the insurance company. The first copy shall be sent to FAIR Headquarters, Harrisburg. The second copy shall be filed in the record. Form PA 6-G (Distribution of Insurance Benefits) shall also be prepared in triplicate. The original shall be given to the assignor, the first copy shall be sent to Fair Headquarters, Harrisburg, and the second copy shall be filed in the record. If the rules of the company do not permit assignment of the insurance, the Department shall be named irrevocable beneficiary. The insurance company’s change of beneficiary form shall be used. If the company form does not restrict the right to change the beneficiary, Form PA 6-K (Assurance as to Nonchange of Beneficiary) will be sent with the change of beneficiary to the company. The Form PA 6-K shall be prepared in triplicate, the original going to the insurance company, the first copy to FAIR Headquarters Harrisburg, and the second copy to the case record. For group life insurance an additional copy of the Form PA 6-K will be made and sent to the employer.

(A) *Death of the insured.* Upon learning of the death of the person whose life insurance policy has been assigned to the Department, the CAO shall send Form PA 173-S to FAIR Headquarters, Harrisburg, Pennsylvania at once. The insurance company shall immediately be authorized by FAIR Headquarters to pay the amount due the beneficiary. The reimbursement claim shall then be computed and collected.

(B) *Release of assignment.* Release of assignment is as follows:

(I) An insurance assignment may be released upon the payment of the smaller of the following two amounts:

(-a-) The amount of assistance reimbursable.

(-b-) The excess of the present cash value of insurance owned by the assignor over the cost of a \$500 paid-up whole life policy if the insurance was assigned after July 31, 1945.

(II) A request for release of insurance assignment shall be referred to FAIR Headquarters, Harrisburg, Pennsylvania with Form PA 173-S and the insurance company form for release. Disposition of the request shall be reported to the insured and the CAO.

(6) *Stocks and bonds.* Stocks and bonds which cannot be sold and so used for current maintenance shall be assigned in blank. This is done by having the owner sign the certificate in the space provided for transfer of title without naming a new owner and by having his signature guaranteed by a bank official. The owner shall be given a Form PA 198—Assignment Receipt—and the assigned securities shall be sent to the FAIR Headquarters Division, Harrisburg, Pennsylvania.

(7) *Support order payments.* Form PA 176-K shall be obtained as soon as it is determined that the support payments have been delayed or are in arrears. The claim for reimbursement begins the first date on which the support is paid and ends when the payment is made. The first paragraph of the Form PA 176-K shall be completed as follows: “. . . pending receipt of delayed support payment due me.” Frequently, arrearages are included with current payment. For example, a court order of \$12 weekly might be raised to \$14 until the arrearages are caught up. In those instances, the court order will be treated as current income despite the fact that arrearages are included.

(f) *Resources not usually assignable.* Resources which are not usually assignable will be as follows:

(1) *General.* Resources subject to reimbursement which are neither real property nor assignable personal property will require the use of special agreements. These agreements will be prepared to fit the individual situation by either the area office or the county office. The county office will use Form PA 176-K, (Agreement and Authorization to Pay Claim) as its special agreement form, limiting its use to the types of resources listed in § 257.23, filling in the blank space on the form following the words “pending receipt of” with the appropriate phrase from the list. The legal terms in the Form PA 176-K are usually found in most promissory notes and agreements of this type. They are used in order to insure the rights of the creditor and appear on the Form PA 176-K in order to expedite the collection of the claim where the obligor does not repay as he originally promised. The terms are listed as follows in the order in which they appear on the form:

(i) *With or without declaration.* The declaration is a statement of claim which ordinarily must be filed before judgment can be taken in civil proceedings. This provision allows this step to be omitted.

(ii) *With costs of suit.* Filing and collection fees and the like may be added to the amount of the judgment.

(iii) *Release of errors.* This waives the right to object to errors which have been made in technical respects such as misspelling of name, incorrect address, and the like.

(iv) *Without stay of execution.* This waives the right to prevent sale of property to satisfy the judgment by posting security, by furnishing proof that he owns real property worth as much as the amount of judgment, or for other legal reasons.

(v) *Waive and release all relief from any or all appraisal, stay, or exemption laws.* Under the laws of the Commonwealth, a debtor whose property is being sold for the payment of a judgment is entitled to retain \$300 worth of his property. This is known as the debtor's exemption. In claiming this exemption a debtor shall take steps to have his property appraised so that \$300 worth may be set aside to him and not sold. The execution on the judgment may be stayed to allow for appraisal to cover the

debtor's exemption or for other reasons, some of which have been given in this subsection. The effect of this provision is to waive the benefit of the debtor's exemption laws.

(2) *Preparation of special agreements.* Use of Form PA 176-K will be as follows:

(i) Form PA 176-K (Agreement and Authorization to Pay Claim) will be prepared in duplicate and signed by the recipient or by both the recipient and his spouse if he is married and his spouse is living with him. The duplicate will be given to the signer. The advice of the area office should be requested concerning the signatures required where the beneficiaries of a resource are not husband and wife.

(ii) If reimbursement action by the area office is required, the County Office will send the original Form PA 176-K together with Form PA 173-S, or memorandum if a personal injury or property damage claim is involved, to the area office promptly.

(iii) The Form PA 176-K will be returned to the signer if the reimbursement claim is paid or if all the resource listed on the Form PA 176-K is used to make reimbursement. The county office will return the Form PA 176-K if collection is made in accordance with subsection (i)(1). The area office will return it if collection is otherwise made. A Form PA 176-K recorded as a lien cannot be returned. In its place the Area Office will furnish an Order to Enter Satisfaction, as set forth in subsection (b)(5)(vi).

(g) *Referral for reimbursement.* Use of Form PA 173-S will be as follows:

(1) In general, the county office will submit a Form PA 173-S, (Reimbursement Referral) whenever action by the area office is necessary to protect or collect the claim. If the county office learns of the need for such action, the referral will be made at once. The area office will request referral whenever it learns of the need for action.

(2) The only reimbursement materials sent to the Claim Settlement Division, Harrisburg, Pennsylvania are insurance referrals, as set forth in subsection (e)(5)(iii)(A), assigned stocks and bonds, as set forth in subsection (e)(6), and Form PA 3-R, as set forth in subsection (b)(4). Other reimbursement material will be sent to the area office.

(3) A referral for reimbursement must always be made in the following situations, taking into consideration that this list is general in nature and does not supersede any specific instructions contained elsewhere in this title:

(i) Assistance is discontinued and liability for reimbursement has not been acknowledged.

(ii) Assistance is granted without acknowledgment of liability for previous assistance.

(iii) A property owner dies before the Form PA 9 is recorded or liability of personal property is acknowledged.

- (iv) Property liable for reimbursement is not occupied by the owner, his spouse, or his child.
- (v) The estate of a person liable for reimbursement is not being settled and there is real or personal property to be sold.
- (vi) A case record is being destroyed or segregated for destruction.
- (vii) The area office requests referral. An individual referral may be requested or lists may be given the county office with a request for clearance and referral where there is liability but no previous referral.
- (viii) Cash is or will be obtained by a transaction which converts assets to cash and depletes the value of real property. Examples of such transactions are as follows:
 - (A) Leasing of oil, gas, or mineral rights.
 - (B) Sale of timber except from farmed timber.
 - (C) Coal stripping.
- (ix) Cash is or will be obtained as a result of damage to the property by fire, flood, road construction, accident and the like.
- (x) Delayed payments are received and adjustment to the grant cannot be made in accordance with subsection (i)(1).
- (xi) Assistance is granted pending conversion of property into cash.
- (xii) A person whose life insurance has been assigned to the Department dies.
 - (xiii) A release of assigned insurance is desired.
 - (xiv) Reimbursement is offered by the property owner, by someone acting on his behalf or by a person purchasing the property.
 - (xv) Request is made for information about the amount of the indebtedness, except where a rough estimate is satisfactory.
 - (xvi) Request is made for a release of lien, a postponement of lien, or stipulation. Reference should be made to subsection (b)(5)(iv) and (vii).
 - (xvii) Where the county office learns that property liable for reimbursement is transferred to a new owner.
 - (xviii) A court orders a legally responsible relative to reimburse the Department for assistance paid to the client.
 - (xix) Repayment of SSI for AFDC cases.
- (h) *Form PA 173-S (Preparation of Reimbursement Referral)*. Use of Form PA 173-S will be in accordance with the following:
 - (1) A Form PA 173-S, A Reimbursement Referral) should be sent to the Area Office in a single copy prepared either in ink or on the typewriter for every reimbursement claim referred to the area office. A single Form PA 173-S should be prepared for joint owners who are included in the same assistance unit. Examples are husband and wife, or mother and four children, all of whom have an interest in the estate of the husband and father.
 - (2) The referral will be forwarded with one copy of Form PA 361 (Standard Transmittal). More than one Form PA 173-S may be listed on the Form

PA 361. However, submission of the referral should not be delayed in order to fill up the Form PA 361 and Form PA 361-S should not be used.

(3) The identifying information on the Form PA 173-S is self-explanatory. The other items will be filled in as follows:

(i) *Previous referrals.* The appropriate square will be checked. If previous referrals were forwarded under names or case numbers other than those shown on the form, they will be listed on the reverse under "Remarks."

(ii) *Situation which prompted referral.* A brief statement will be entered of the reason for referral, that is, "Requested by Area Office," "Reimbursement offered by (name)," "Property Owner died (date)," and the like.

(iii) *Real property.* The names of the owners should be exactly in the same form as on the deed, will, sales agreement, or other evidence of ownership. "Date acquired" is the date on which the right to ownership first existed. For example, the date on which first payment was made on account of purchase price, the date of death of a person from whom property was inherited, or the date of death where a disinherited spouse had right to take against the will. If the property was acquired before the first assistance grant was received, "before first grant" will be sufficient.

(iv) *Department judgments.* Spaces are provided for three judgments. The amount of lien is usually \$2,000 or \$5,000, but there are many in the exact amount of the claim. The area office has a listing of revivals. The county office need furnish only the original recording data to identify the lien which attaches to the property listed on the referral, and need only furnish the costs it advanced. To make certain that the costs advanced by the Department for recording deeds are refunded, they should be reported in this space.

(v) *Personal property and insurance.* The asset will be described as "Cash inheritance," "Delayed wages," "(Name) Company Stock." The other items are similar to the items under Real Property. Assigned insurance policies will be listed regardless of reason for referral. Unassigned insurance policies will be listed only when referral is made because of insurance.

(vi) *Composition.* Changes will be listed in the assistance unit and grant groups from the date of acquisition of property or the right to own property, or the date assistance began, whichever is the later date. The codes will be converted on the Form PA 740 to agree with the codes at the bottom of the Form PA 173-S. If the property owner dies, another referral should be prepared for the new owner if one is required under subsection (g) of this section.

(vii) *Remarks.* Explanations or additional information will be entered here. If more space is needed, additional sheets of 8-1/2 by 11 paper will be attached.

(viii) *Signature.* This must be the signature of a person for whom an approved signature card has been submitted.

(ix) *SSI clients.* Forms for SSI clients found eligible for retroactive SSI benefits must also include a statement showing what the Family Size Allowance was with the SSI eligible included in the grant, and what the Family Size Allowance would have been with the client removed for the reimbursable period covered.

(i) *Collection of reimbursement.* Reimbursement may be accomplished in one of two ways, either by reduction of grants or by payment to Claim Settlement.

(1) *Reimbursement by reduction of grant—optional method.* The optional method of reimbursement by reduction of grant will be in accordance with the following:

(i) Reimbursement may be made by reduction of assistance that would otherwise be granted when money subject to reimbursement is received in an amount equal to or less than 1 month's grant to the assistance unit and when all of the following conditions apply:

(A) The reduction can be made in the first two semimonthly payments whose deadlines can be met. The grants in the assistance unit may be reduced or discontinued but the reduction of assistance which would otherwise be granted must be the full amount of reimbursement due. The reduction will be made by including the full reimbursement amount in "Net Income" for 1 month.

(B) The cash is not derived from real property covered by a Form PA 9 or from personal property assigned to the Department. A judgment or assignment will create an asset of the Commonwealth which may not be surrendered by the Department.

(C) The claim has not been referred to the area office. However, collection by reduction of grant may be made after referral to the Area Office with the agreement of the area office.

(ii) If the amount of assistance which would otherwise be granted during these first two semimonthly payments is not reduced by the full amount of the cash received, reimbursement must be made by payment to the Area Office. In such an event, Form PA 176-K and Form PA 173-S will be forwarded to the area office. Reference should be made to paragraph (2) for acceptance by the county office of a cash payment on a reimbursement claim.

(2) *Reimbursement by payment.* The county office should not compute or attempt to settle reimbursement claims except as provided in paragraph (1). However, it should accept payment if the debtor has the money and offers repayment. The payer will be informed that the money is on account and will be forwarded to the area office where the exact amount of the claim will be determined. He will also be informed that he will receive by mail an official receipt and that if the payment does not equal the claim the area office will refund any excess or notify him what additional payment is necessary. How-

ever, the county office may not accept payments for purchase or rental of property owned by the Commonwealth. For each payment received the county office will prepare Memorandum Receipt, Form PA 175-M, in triplicate. The original receipt will be given to the payer and the third copy retained in the county office. The payment will be sent to the Area Office with the duplicate Form PA 175-M, two copies of Form PA 361, (Standard Transmittal) and one copy of Form PA 173-S, if referral had not been made before.

(3) *Special agreement claims.* Whenever a signer of a special agreement required by subsection (f) fails to appear for an interview with a claims settlement agent to arrange for settlement of the claim, the county office will be notified. If the debtor is receiving assistance, the county office should make an attempt to have the signer appear for an interview with the claim settlement agent either at the area or county office. If this attempt is unsuccessful, the signer shall fail to fulfill his responsibility of discussing with a representative of the Department a matter relating to his receipt of assistance. Therefore, assistance to the signer, his spouse, and his unemancipated minor children living with him will then be discontinued by the county office. Assistance may not be resumed until the signer reports or agrees to report for an interview with claim settlement agent.

(4) *Legal action to collect reimbursement.* Legal action to collect reimbursement will be in accordance with the following:

(i) Ordinarily reimbursement claims based on real property are protected by recording a Form PA 9 and are collected when the owner desires an unencumbered title. Those based on personal property are protected by assignment or a special agreement and are collected when the property is converted into cash. However, a variety of circumstances may interrupt this orderly process. When such an interruption occurs, the Claims Settlement Bureau will review the case and initiate such action as may be necessary and advisable in order to protect and collect the claim. In deciding the action to be taken in each case, the Claims Settlement Bureau will consider the laws which apply, the cost of the various possible proceedings, the value of the property involved, the possibility of actual collection, and the amount of the claim. Legal action may be instituted by the area office or by the State Office of the Claims Settlement Bureau. Typical examples of legal action are as follows:

(A) If a Form PA 9 has not been recorded and the obligor does not agree to make reimbursement, suit will become necessary. When judgments in favor of the Department are granted, the result will be the same as if a Form PA 9 had been signed and recorded.

(B) An obligor dies and neither an executor nor an administrator is named to settle estate. A claim settlement agency may administer the estate.

(C) An obligor or his heirs will not sign an amicable *scire facias* to revive a lien, and suit to revive becomes necessary.

(ii) Legal actions to obtain or collect judgments for assistance will result in the fixing of a definite sum due. This amount will be based on the assistance granted in the past. Therefore a new Form PA 9 will be necessary from property owners who reapply or who otherwise become liable for reimbursement after legal action has been taken. These proceedings will be the complete responsibility of the Claims Settlement Division which will keep the county office informed of results. The county office, however, will be called upon from time to time to supply information, to make affidavits, or to cooperate in other ways.

(j) *Reimbursement responsibilities.* Reimbursement responsibilities will be as follows:

(1) Responsibility for action necessary for protection and collection of the reimbursement claims of the Commonwealth will be divided between the Department and the county offices. The county office will have responsibility for taking certain preliminary action to secure the right of the Commonwealth to reimbursement. In addition, it will cooperate with the Claims Settlement Bureau in the collection of reimbursement. This means that the county office is to accept a reimbursement claim when offered by a client and a claim agent is not available. The Claims Settlement Bureau of the Department, through its area offices, will have the ultimate responsibility for insuring that necessary action is taken to protect the interests of the Commonwealth, and to collect or settle all claims. The reimbursement responsibilities of the county office are as follows:

- (i) To identify real or personal property liable for reimbursement.
- (ii) To explain to applicants and recipients their liability for reimbursement.
- (iii) To obtain from persons liable for reimbursement the proper acknowledgments of that liability.
- (iv) To record liability for reimbursement so that referral can be made to the Area Office for collection or other action.
- (v) To furnish the area office with information necessary to collect reimbursement.
- (vi) To discuss with field service representatives general questions relating to Departmental reimbursement policy.
- (vii) To refer to the area office the following:
 - (A) Reimbursement claims not collectible by reduction in grant.
 - (B) Offers of reimbursement.
 - (C) Questions on laws, legal action, the effect of local court practice or local problems relating to property ownership or reimbursement.

(D) Questions or inquiries received concerning specific or potential claims, except that a rough estimate of a claim may be furnished if requested by a person who has a legitimate interest.

(viii) To accept payment of reimbursement claims in accordance with subsection (i). This does not authorize the county to make a collection, but only to accept a payment. The county may not initiate the contact except as provided in this subsection.

(ix) To execute affidavits necessary for legal action.

(2) In addition to the referral from Form PA 173-S, the county office will interchange information with the area office by memorandum. For example, after referral the county office will send the area office any information it receives on the following:

(i) Inquiries regarding a claim.

(ii) Information pertinent to court actions.

(iii) Circumstances to be considered when settling a claim.

(iv) Recommendations or factors the County Office feels are valuable in settling the claim.

(v) The receipt of any money from which the claim could be paid.

(3) The county office will send to the area office a dummy copy of Form PA 122 or Form PA 122-N changing the address, resuming or discontinuing assistance for a case in which there is an outstanding reimbursement referral, indicated by an entry in the column "Dummy 122 to CS" of Form PA 740. The reimbursement responsibilities of the Claim Settlement Division will be as follows:

(i) To determine the amount of every reimbursement claim.

(ii) To maintain records of reimbursement claims.

(iii) To collect reimbursement.

(iv) To take necessary legal or other action to protect, collect or settle reimbursement claims.

(v) To advise the county office on questions of law and legal procedure regarding property ownership as it affects reimbursement.

(vi) To notify the county office of the final disposition of each reimbursement claim.

(4) The area office will furnish the county office with information necessary for the county part of the reimbursement procedure. This will include reports on recording, revival and satisfaction of liens on real property and final settlement of claims. The report may be made by a memorandum, a form prepared for that purpose alone, or by a copy of a document primarily prepared for another reason.

Source

The provisions of this § 257.24 adopted August 4, 1977, effective August 5, 1977, 7 Pa.B. 2180; amended May 19, 1978, effective May 20, 1978, 8 Pa.B. 1416; corrected August 24, 1979, effective April 14, 1979, 9 Pa.B. 2892; amended May 22, 1981, effective July 22, 1981, 11 Pa.B. 1804, amended through July 2, 1981, effective September 2, 1981, 11 Pa.B. 2394; corrected July 10, 1981, effective September 2, 1981, 11 Pa.B. 2394; amended August 26, 1988, effective November 1, 1988, 18 Pa.B. 3893. Immediately preceding text appears at serial pages (109158) to (109187).

Notes of Decisions

When a petitioner's unemployment benefits cover a different time period than was covered by public assistance, the unemployment benefits should not have been deducted from assistance amount. *Toney v. Department of Public Welfare*, 561 A.2d 75 (Pa. Cmwlth. 1989).

Where reimbursement obtained from a lump sum social security payment was not obtained by "fair means," the recipient was entitled to full refund. *Wyatt v. Department of Public Welfare*, 463 A.2d 64 (Pa. Cmwlth. 1983).

Discontinuing a recipient's eligibility because of his refusal to sign Form PA 176-K as an acknowledgement of liability for reimbursement of assistance from a pending workmen's compensation claim is permissible since the form is not an assignment of such claims and is not tantamount to legal process, but this is not to say that the form may be used for reimbursement based on monies received under such claims *Congleton v. Department of Public Welfare*, 409 A.2d 1382 (Pa. Cmwlth. 1980).

In determining whether a person is an adult or a minor for purposes of 55 Pa. Code § 257.24(b)(1)(i), the age of majority is twenty-one years. *Fink v. Department of Public Welfare*, 403 A.2d 214 (Pa. Cmwlth. 1979).

Cross References

This section cited in 55 Pa. Code § 121.3 (relating to requirements); 55 Pa. Code § 163.3 (relating to requirements); 55 Pa. Code § 177.22 (relating to real property); 55 Pa. Code § 257.21 (relating to policy); and 55 Pa. Code § 257.23 (relating to requirements).

§ 257.24a. [Reserved].**Source**

The provisions of this § 257.24a adopted November 9, 1990, effective November 10, 1990, 20 Pa.B. 5638; reserved February 10, 1995, effective February 11, 1995, 25 Pa.B. 538. Immediately preceding text appears at serial page (153076).

[Next page is 258-1.]

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