

SHD Paraphrased Regulations - Refugee Programs
790 Overpayments and Underpayments

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The CalWORKs regulations concerning the recoupment of overpayments, the correction of underpayments "and the procedures concerning fraud" shall be followed in RCA. (§69-212, as revised effective February 1, 2002)

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The Court of Appeal determined that Administrative Law Judges (ALJs) had the authority to award interest in conjunction with the issuance of retroactive benefits. (*Knight v. McMahon* (1994) 26 Cal.App. 4th 747)

On August 29, 1996 the California Supreme Court held that Unemployment Insurance ALJs did not have the authority to award interest. The Court held that those ALJs had no such authority. The Court specifically disapproved the *Knight* case, to the extent that it allowed CDSS ALJs to award interest. Thus, CDSS ALJs may no longer authorize interest payments when retroactive aid is ordered, effective September 29, 1996. (*AFL and CIO v. Unemployment Insurance App. Bd.* (1996) 13 Cal. 4th 1017, 56 Cal. Rptr. 2d 109; All-County Information Notice No. I-52-96, September 25, 1996)