**Section 165.42 Establishment of Claims for Food Stamp Overpayments**

All adult (age 18 or over) members of a food stamp household that receives an overpayment are jointly and severally liable for repayment of the overpayment.

a) The Department will establish a claim to collect an overpayment against the household that received the overpayment. First priority will be given to collecting claims from currently receiving households.

b) If there has been a change in household composition since the overpayment, the Department will establish the claim against a currently receiving household in the following order:

1) The household that now contains the head of the overpaid household; or

2) The household that now contains an adult member of the overpaid household; or

3) The household that now contains an adult member of the overpaid household, which currently receives the highest monthly allotment, or, in the case of a claim for an intentional program violation, the highest monthly entitlement.

c) If there is no currently receiving household against which to establish the claim, the Department will apply the recovery provisions of Subpart D of this Part in accordance with subsection (b) of this Section.

(Source: Amended at 26 Ill. Reg. 16495, effective October 28, 2002)