



PO 1310.2: Charge Against Personal Injury Settlement

PR 1310.2.

The local GA unit has a right to collect payment from personal injury settlements. This right, referred to as the local GA Unit's charge upon a claim, applies to claims, demands, and causes of action for injuries to a person who receives, or subsequently receives, assistance for themselves or a dependent child (ren). The charge does not include claims covered by the Workers' Compensation Act, the Workers' Occupational Disease Act, or the Wrongful Death Statute, although the Department may also recover its payment from these types of claims.

If the person was not employable at the time of the injury, the GA Unit's charge is for the total cost of medical assistance provided for any reason to the injured client from the date of the injury to the date of recovery of damages.

If the person was employable at the time of the injury, the local GA unit's charge is for the total cost of cash and medical assistance provided as a result of the injury from the date of occurrence to the date of recovery of damages for the following persons:

- the injured client and dependents in the same assistance unit, and
- dependents of the injured client in other cases.

A person is considered employable if at the time of injury they were 16 or older and employed full or part time, or if they did not meet any of the criteria for exemption from mandatory registration.

When the local GA unit has a charge upon a claim, immediately notify the party or parties against whom the claim is made. Send the notice of the charge by certified mail. At the same time, notify the client and the client's attorney in writing of the local GA unit's action upon receipt of the lump sum payment.