

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



November 3, 2003

ALL-COUNTY INFORMATION NOTICE I-75-03

TO: ALL COUNTY WELFARE DIRECTORS
ALL FOOD STAMP COORDINATORS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: FORMS REVISIONS REGARDING COMPROMISING
FOOD STAMP OVERISSUANCE CLAIMS

The purpose of this notice is to provide counties with the forms that have been revised as a result of Duarte v. Saenz court order. This court order provided that the California Food Stamp Program (FSP) does not adequately inform food stamp households of the States' authority to compromise overissuance claims. As a result, the California Department of Social Services (CDSS) FSP has modified the language on DFA 377.7B (Food stamp Repayment Notice for Inadvertent Household Errors) and DFA 377.7D3 (Food Stamp Repayment Notice for Administrative Errors) to read, "Federal regulations allow us the option to forgive any part of your claim if we believe you are unable to repay the claim. We only forgive part of a claim where the county has made a mistake."

Attached are the revisions to the DFA 377.7B and DFA 377.7D3. Although the new language has been incorporated into the two forms, California only compromises administrative error overissuances in which allotment reduction began on or after March 1, 2000 in accordance with Manual of Policies and Procedures 63-801.22.

Counties are to begin using these forms containing the new language once they have used up the old stock.

Camera Ready Copies and Translations:

For camera-ready copies of English and Spanish forms, please call the Forms Management Unit at (916) 657-1907 or CALNET at 437-1907 or the CWDs may obtain copies of these forms from the Department's web page at <http://www.dss.cahwnet.gov>.

Your Forms Coordinator now receives all translations as soon as they become available if your county is on the Language Translation Services (LTS) mailing list. All translated messages in Russian, Chinese, Vietnamese, and Cambodian versions of forms will follow shortly. Please call LTS at (916) 657-3429 if your county does not receive the Russian and Chinese translations.

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Contact:

If you have any questions regarding this notice or the attached forms, please contact Sandra Pierce at (916) 653-5208 or Sandra.Pierce@dss.ca.gov.

Sincerely,

Original Document Signed By John Moist For

RICHTON YEE, Chief
Food Stamp Branch

Attachments

COUNTY OF _____

FOOD STAMP REPAYMENT NOTICE FOR INADVERTENT HOUSEHOLD ERRORS ONLY

Notice Date : _____
Case Name : _____
Number : _____
Worker Name : _____
Number : _____
Telephone : _____
Address : _____

(ADDRESSEE)

Questions? Ask your Worker.

State Hearing: If you think this action is wrong, you can ask for a hearing unless you already had a hearing on the amount you owe. The back of this page tells how. Your benefits may not be changed if you ask for a hearing before this action takes place.

Your household made a mistake.

Too many food stamps were issued to:

- the household.
- the household, whom you sponsored.

Here's why:

The household received \$ _____ in food stamps.

The household should have received \$ _____ in food stamps. \$ _____ (extra food stamps) is what you received minus what you should have received.

You must repay the extra food stamps.

_____ in extra food stamps were issued for the period _____ . This amount was reduced by \$ _____ because we owed the household benefits from past months or we received repayment of part of the amount owed. You now owe \$ _____.

- You do not have to use any SSI benefits you get to repay this overissuance.
- You may ask for a hearing if you feel you received extra food stamps because the County Welfare Department made a mistake.
- Federal regulations allow us the option to forgive any part of your claim if we believe you are unable to repay the claim. We only forgive any part of a claim where the county has made a mistake.

If the ALJ determines the County Welfare Department made a mistake in issuing extra food stamps to you, the county will collect by reducing your monthly food stamp allotment by 5% or \$10.00 whichever is greater, for no more than a total of 36 months. At the end of that period any balance remaining on the overissuance will be forgiven and will not be collected.

- Collection will be from all adults in the household when the overissuance occurred.

YOU MUST EITHER:

Pay for the extra food stamps in full, or complete, sign and return the enclosed Repayment Agreement (DFA 377.7C) form and pay as agreed.

PROGRAM ACTIONS:

- Your repayment agreement will be based on your current ability to pay as figured by the county. Any changes in your ability to pay may change your monthly payments.
- If you do not sign and return the agreement within 30 days after the date of this notice, the amount of food stamps you get will be reduced by _____ % beginning _____.
- If you do not repay, the county may use other ways of collecting the amount owed, such as through the courts, other collection agency methods and by a federal government collection action.
- If this inadvertent household error is later found to be an Intentional Program Violation, penalties will apply even if you agree to repay what you owe.
- If the claim becomes delinquent or the household is sued, you may be subject to additional processing charges or court costs.
- If you do not repay the amount owed, the county may take your state/federal income tax refund and/or ask the court to attach your wages or any property you own.

Warning: If you believe this overissuance is wrong, this is your last chance to ask for a hearing. If you stay on food stamps, the county can lower your food stamps to collect the overissuance. If you go off food stamps before the overissuance is paid back, the county may take what you owe out of your income tax refund.

Rules: These rules apply: MPP 63-801.21, Lomeli v. Saenz. You may review them at your welfare office.

COUNTY OF _____

FOOD STAMP REPAYMENT NOTICE FOR ADMINISTRATIVE ERRORS ONLY

Notice Date : _____
Case Name : _____
Number : _____
Worker Name : _____
Number : _____
Telephone : _____
Address : _____

(ADDRESSEE)

Questions? Ask your Worker.

State Hearing: If you think this action is wrong, you can ask for a hearing. The back of this page tells how. Your benefits may not be changed if you ask for a hearing before this action takes place.

The County Welfare Department made a mistake.

Too many Food Stamp Benefits were issued to:

- the household.
- the household, whom you sponsored.

Here's why:

The household received \$ _____ in food stamp benefits. The household should have received \$ _____ in food stamp benefits. \$ _____ (extra food stamp benefits) is what you received minus what you should have received.

You must repay the extra food stamp benefits. \$ _____ in extra food stamps were issued for the period _____. This amount was reduced by \$ _____ because we received repayment of part of the amount owed. You now owe \$ _____.

- You do not have to use any SSI benefits you get to repay this overissuance.
- Federal regulations allow us the option to forgive any part of your claim if we believe you are unable to repay the claim. We only forgive a part of a claim where the county has made a mistake. Because the county made a mistake, we will collect the above amount by reducing your monthly allotment by 5% or \$10.00, whichever is greater, for up to a total of 36 months. At the end of that period, any balance remaining on the overissuance will be forgiven and will not be collected.
- Collection will be from all adults in the household when the overissuance occurred.

YOU MUST EITHER:

Pay for the extra food stamp benefits in full, or complete, sign and return the enclosed Repayment Agreement (DFA 377.7E1) form and pay as agreed.

Warning: If you think this overissuance is wrong, this is your last chance to ask for a hearing. The back of this page tells how. If you stay on food stamps, the County can collect the overissuance by lowering your monthly food stamps. If you go off of food stamps before the overissuance is paid back, the county may take what you owe out of your state/federal income tax refund.

PROGRAM ACTIONS:

- Your repayment agreement will be based on your current ability to pay as figured by the county. Any changes in your ability to pay may change your monthly payments.
- If you do not sign and return the agreement within 30 days after the date of this notice, the amount of food stamp benefits you get will be reduced by _____ % beginning _____.
- If you do not repay, the county may use other ways of collecting the amount owed, such as through the courts, other collection agency methods and by a federal government collection action.
- If this Administrative Error is later found to be an Intentional Program Violation, penalties will apply even if you agree to repay what you owe.
- If the claim becomes delinquent or the household is sued, you may be subject to additional processing charges or court costs.
- If you do not repay the amount owed, the county may take your state/federal income tax refund and/or ask the court to attach your wages or any property you own.

Rules: These rules apply: MPP 63-801.22, 63-801.43, 63-801.7, Lomeli v. Saenz. You may review them at your welfare office.

YOUR HEARING RIGHTS

You have the right to ask for a hearing if you disagree with any county action. You have only 90 days to ask for a hearing. The 90 days started the day after the county gave or mailed you this notice.

If you ask for a hearing before an action on Cash Aid, Medi-Cal, Food Stamps, or Child Care takes place:

- Your Cash Aid or Medi-Cal will stay the same while you wait for a hearing.
- Your Child Care Services may stay the same while you wait for a hearing.
- Your Food Stamps will stay the same until the hearing or the end of your certification period, whichever is earlier.

If the hearing decision says we are right, you will owe us for any extra Cash Aid, Food Stamps or Child Care Services you got.

To let us lower or stop your benefits before the hearing, check below:

Yes, lower or stop: Cash Aid Food Stamps Child Care

While You Wait for a Hearing Decision for:

Welfare to Work:

You do not have to take part in the activities.

You may receive child care payments for employment and for activities approved by the county before this notice.

If we told you your other supportive services payments will stop, you will not get any more payments, even if you go to your activity.

If we told you we will pay your other supportive services, they will be paid in the amount and in the way we told you in this notice.

- To get those supportive services, you must go to the activity the county told you to attend.
- If the amount of supportive services the county pays while you wait for a hearing decision is not enough to allow you to participate, you can stop going to the activity.

Cal-Learn:

- You cannot participate in the Cal-Learn Program if we told you we cannot serve you.
- We will only pay for Cal-Learn supportive services for an approved activity.

OTHER INFORMATION

Medi-Cal Managed Care Plan Members: The action on this notice may stop you from getting services from your managed care health plan. You may wish to contact your health plan membership services if you have questions.

Child and/or Medical Support: The local child support agency will help collect support at no cost even if you are not on cash aid. If they now collect support for you, they will keep doing so unless you tell them in writing to stop. They will send you current support money collected but will keep past due money collected that is owed to the county.

Family Planning: Your welfare office will give you information when you ask for it.

Hearing File: If you ask for a hearing, the State Hearing Division will set up a file. You have the right to see this file before your hearing and to get a copy of the county's written position on your case at least two days before the hearing. The state may give your hearing file to the Welfare Department and the U.S. Departments of Health and Human Services and Agriculture. **(W&I Code Sections 10850 and 10950.)**

TO ASK FOR A HEARING:

- Fill out this page.
- Make a copy of the front and back of this page for your records. If you ask, your worker will get you a copy of this page.
- Send or take this page to:

OR

- Call toll free: 1-800-952-5253 or for hearing or speech impaired who use TDD, 1-800-952-8349.

To Get Help: You can ask about your hearing rights or for a legal aid referral at the toll-free state phone numbers listed above. You may get free legal help at your local legal aid or welfare rights office.

If you do not want to go to the hearing alone, you can bring a friend or someone with you.

HEARING REQUEST

I want a hearing due to an action by the Welfare Department of _____ County about my:

Cash Aid Food Stamps Medi-Cal

Other (list) _____

Here's Why: _____

If you need more space, check here and add a page.

I need the state to provide me with an interpreter at no cost to me. (A relative or friend cannot interpret for you at the hearing.)

My language or dialect is: _____

NAME OF PERSON WHOSE BENEFITS WERE DENIED, CHANGED OR STOPPED

BIRTH DATE

PHONE NUMBER

STREET ADDRESS

CITY

STATE

ZIP CODE

SIGNATURE

DATE

NAME OF PERSON COMPLETING THIS FORM

PHONE NUMBER

I want the person named below to represent me at this hearing. I give my permission for this person to see my records or go to the hearing for me. (This person can be a friend or relative but cannot interpret for you.)

NAME

PHONE NUMBER

STREET ADDRESS

CITY

STATE

ZIP CODE