

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



June 20, 1991

ALL COUNTY LETTER NO. 91-53

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: ESTABLISHING/COLLECTING FOOD STAMP OVERISSUANCE CLAIMS AGAINST
HOUSEHOLDS WHOSE ONLY ELIGIBLE MEMBERS ARE MINORS

Several County Welfare Departments (CWD) have inquired whether Counties can establish claims and collect food stamp overissuances from households whose only eligible members are minors.

Manual of Policies and Procedures (MPP) Section 63-801.1 requires that a claim be established against any household that receives more food stamps than it is entitled to. Therefore, a claim would be established against any household even if the only eligible members of the household are minors.

Further, MPP 63-801.411 requires CWDs to initiate collection action against **all** households for an administrative error claim or an inadvertent household error claim with two exceptions. The exceptions are: (1) administrative error claims of less than \$35 that cannot be collected through allotment reduction; or, (2) the CWD has documentation which shows that the household cannot be located. Therefore, CWDs must initiate collection action against any household that receives more food stamp benefits than it is entitled to.

A United States Department of Agriculture, Food and Nutrition Service policy memo dated March 31, 1987 regarding "Claims Against Household If All Members Are Minors When The Overissuance Occurred" states in part that "the issue of joint and several liability of adult household members is not to be interpreted as precluding the collection of claims from a household without adult members. The absence of any adult household members means only that the concept of joint and several liability is not pertinent and not that a claim cannot be established." Therefore, for establishing and initiating collection against a household (whose only eligible members are minors), the CWD will only be allowed to recoup from the overissued household. Should a minor leave the overissued household, the CWD would not be able to pursue collection efforts against the minor that has left the household.

If you should have any further questions, please contact the Overpayment Recovery Bureau at (916) 322-5387.


ROBERT A. HOREL
Deputy Director
Welfare Program Division