



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES



EDMUND G. BROWN JR.
GOVERNOR

November 28, 2011

ALL COUNTY LETTER NO. 11-80

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL CalFresh COORDINATORS
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CalWORKs): NEW AND REVISED OVERPAYMENT NOTICE
OF ACTION (NOA) MESSAGES

REFERENCES: MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS
44-316, 44-350 AND 44-352

This All County Letter (ACL) transmits copies of two new and nine revised CalWORKs overpayment NOA messages. The California Department of Social Services (CDSS) created and updated these forms based on input and feedback from the counties, advocates, and consortia.

New Overpayment NOA Messages

CDSS created two new overpayment NOA messages to be used in two specific scenarios:

- 1) M44-350I will be used to notify clients about the discovery of an overpayment without an accompanying grant reduction. This will happen when the current grant amount is correct and grant adjustment cannot yet begin due to quarterly reporting rules (grant recoupment of an overpayment may only begin at the beginning of a quarter) or because the county is already collecting on a separate overpayment (and only one overpayment may be collected on at a time).
- 2) M44-352H will be used to notify clients that grant adjustment will now begin on a previously noticed overpayment.

REASON FOR THIS TRANSMITTAL

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

These new NOA messages will ensure that clients are being informed adequately and given the opportunity to request a hearing as soon as an overpayment is discovered, even if recoupment cannot begin immediately. They will also ensure that counties have NOA messages that are adequate for the two situations described above. For additional information regarding adequate noticing requirements, please see All County Information Notice I-151-82, dated November 23, 1982.

Summary of Revisions to Current Overpayment NOA Messages

CDSS revised the nine overpayment NOA messages for clarity, consistency and accuracy. The following changes were made:

- The notices regarding excess property overpayments were revised to more clearly explain the good faith property rules and how the overpayment is calculated in these situations.
- The wording of all NOA messages were reviewed and edited for clarity and consistency.
- The regulations cited in each NOA message were updated and corrected with the accurate regulation citations.
- Lastly, the warning footers were revised for accuracy and consistency:
 - CDSS removed the following sentence: “It can lower your food stamps to collect an overissuance unless it was the county’s fault.” This sentence is misplaced as these NOA messages only pertain to CalWORKs overpayments, not CalFresh overissuances. Furthermore, this sentence is incorrect, as, per the Lomeli V Saenz lawsuit, counties may collect administrative-caused CalFresh overissuances at a rate of five percent for up to 36 consecutive calendar months.
 - The language was revised to ensure that clients are adequately informed about the steps that the county may take in order to recoup these overpayments and what may happen if the overpayment is not paid back in full, including tax intercept and collecting from other members of the family.
 - The language was changed so that it better matches the situation of the specific notice. For example, on notices that are for former recipients, the warning footer no longer says, “if you stay on aid, the County can collect an overpayment by lowering your grant.”

Forms Implementation

Counties must begin using these new and revised NOA messages as soon as administratively possible.

Camera Ready Copies and Translations

For camera-ready copies in English, contact the Forms Management Unit at fmudss@dss.ca.gov. If your office has internet access you may obtain these forms from the CDSS webpage at http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm. When all translations are completed per MPP Section 21-115.2, including Spanish forms, they are posted on an on-going basis on our web site. Copies of the translated forms can be obtained at http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm. For questions on translated materials, please contact Language Services at (916) 651-8876. Until translations are available, clients who have elected to receive Spanish, Russian, Vietnamese, and written Chinese materials should be sent the GEN 1365 interpretation informing notice with a local contact number.

If you have any questions regarding this letter, please contact the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachments

ATTACHMENTS

The following NOA messages are new:

Message #	Title	Action
M44-350I	Notice of Overpayment	Inform
M44-352H	Overpayment Adjustment	Change

The following NOA messages have been revised:

Message #	Title	Action
M44-350A	Overpayment Adjustment	Change
M44-350E	Excess Property O/P and Adjustment (Without Good Faith)	Change
M44-350F	Excess Property O/P (Without Good Faith)	Demand
M44-350G	Excess Property O/P Adjustment (With Good Faith)	Change
M44-350H	Excess Property O/P (With Good Faith)	Demand
M44-352A	Notice of O/P and Demand	Demand
M44-352C	Overpayment Recovery	Change
M44-352D	Overpayment Recovery	Change
M44-352G	Demand Overpayment	Demand