

22.0.0 UNDER & OVERISSUANCE

22.2.3.1 Calculate Client and Nonclient Claims (cont.)

The month the change would have been effective can't be more than 2 months after the change in circumstance actually occurred.

Example: A group failed to report a change. The last day it should have timely reported the change was the 23rd day of the month, 13 months ago. The earliest the change could have been effective was the 1st of the month, 11 months ago. The latter date is the earliest date you may calculate a claim from.

Do not apply the 20% earned income deduction to earned income which is reported untimely.

When overissuance is because of some other error, the period begins with the month you discover the overissuance and extends backward:

1. Nonclient error: 12 months; or
2. Client error: 6 years.

Make a claim for a **nonclient error** that occurred when the agency:

1. Did not take prompt action on a change the FS group reported.
2. Incorrectly computed the group's income or a deduction.
3. Continued to give the group FS after its eligibility ended.
4. Did not reduce the group's FS to correspond with an AFDC, W-2, SSI, or GR grant increase.

22.2.3.2 Collecting Client and Nonclient Error Claims Against Participating Households

Establish and collect client error or nonclient error overissuance claims against participating households unless:

1. You collect the claim through offset.
2. You can't locate the FS group.

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22.2.3.2 *Collecting Client and Nonclient Error Claims Against Participating Households (cont.)*

3. You determine that collection action will prejudice the case against a FS group member referred for prosecution or administrative disqualification.

Do not charge any interest on the claim.

If the client wishes to pay the whole claim at once, s/he may do so.

A participating household is defined as a household or AG which is still open and receiving FS benefits.

22.2.3.3 *Collecting Claims For Client & Non-Client Errors Against Non-participating Households*

Establish and collect client error or nonclient error overissuance claims for non-participating households only if the amount of the claim is \$125.00 or more.

A non-participating household is defined as a household or AG which is closed and not receiving FS benefits.

22.2.4 IPV

Make an IPV claim only when one of these conditions exist. The food unit member:

1. Signs a waiver of the disqualification hearing.
2. Signs a disqualification consent agreement after being referred for prosecution. (22.2.4)
3. Is found guilty of IPV in an Administrative hearing or judicial proceeding. If you have a pending IPV hearing, handle the claim as a nonclient error. Discuss this with your legal counsel.

If legal counsel advises that processing a claim as a client error may create bias against an IPV judgment, do not process the claim until the IPV determination is made.

22.2.4.1 *Calculate IPV Claims*

Don't apply the 20% earned income deduction to the unreported earned income. Apply the deduction only to timely reported earned income.

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22.2.4.1 Calculate IPV Claims (cont.)

Offset the claim against any amount owed to the group. Start collection action for the remaining balance. Make a personal contact with the FS group if possible.

Start the IPV procedure for collection from its initial step whenever a client error is later determined to be an IPV. You must collect an IPV claim previously handled as a client error claim.

1. Recalculate the claim amount as an IPV type.
2. Send the FS group a new Notice of FS Overissuance showing IPV as the reason (20.14.0).
3. Send a new Notice of Repayment Agreement, 20.15.0

Do not charge any interest on the claim.

When overissuance is because the group member intentionally did not report a change, begin with the month you discover the overissuance and extend backward:

1. Six years, or
2. To the month the change would have been effective had the group timely reported it, whichever is most recent.

The month the change would have been effective can't be more than 2 months after the change in circumstance actually occurred.

When overissuance is because of some other IPV, begin with the month you discover the overissuance and extend backward 6 years. Go back from the discovery date, not the hearing date.

22.2.5 Allotment Reduction

You may collect payments to recover any type of error from a FS group participating in the program by reducing their allotment .

The type of error determines the amount you can recover each month.

1. Client error/Nonclient error. CARES reduces the allotment by the greater of 10% of the group's monthly allotment, or

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22.2.5 Allotment Reduction (cont.)

\$10 each month. The \$10 minimum benefit level for 1 or 2 person groups applies before CARES reduces the allotment.

2. IPV. CARES reduces the allotment by the greater of 20% of the group' monthly entitlement or \$10 each month. The entitlement is benefits the group would have received if not for the disqualification of a FS group member.

The \$10 minimum benefit level for 1 or 2 person groups applies before CARES reduces the allotment.

22.2.6 Suspend Collection

Suspend collection for client and nonclient claims after 1 Notice of FS Overissuance if:

1. You can't locate the adult members of the overpaid FS Group.
2. The cost of collection is likely to exceed the amount recovered.

Suspend collection of an IPV claim when:

1. You can't locate the adult members of the overpaid FS group.
2. The cost of collection is likely to exceed the amount recovered. The group isn't receiving FS, and you've sent at least:
 - a. One Notice of FS Overissuance (20.14.0) and FS Repayment Agreement (20.15.0) and the claim is under \$100.
 - b. Two Notices of FS Overissuance (20.14.0) and FS Repayment Agreements (20.15.0) and the claim is at least but not more than \$399.
 - c. Three Notices of FS Overissuance (20.14.0) and FS Repayment Agreements (20.15.0) and the claim is \$400 or more.

22.2.7 Terminating Claims Against Participating Households

You may terminate a claim against a participating household only after you've held it in suspension for 3 years.

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22.2.8 Terminating Claims Against Non-Participating Households

Claims against non-participating households may be written off if reasonable collection efforts have been made and the debt is determined to be uncollectable. Recommendation to terminate can be made if proper documentation is submitted to demonstrate that the claim meets any of the following criteria:

1. It is found to be invalid in a fair hearing, administrative or judicial decision.
2. It is against a household in which all adult members are deceased and the State does not plan to pursue collection against the estate.
3. It has been discharged through bankruptcy.
4. It cannot be substantiated from case records.
5. The state agency has determined, after exhausting collection efforts, that it is not cost-effective to collect the claim. If the request to terminate the claim is made on this basis the following criteria should be used:
 - a. The claim has an outstanding balance of \$24 or less and has been past due for 90 days or more. Approval for the write-off must be given by Div. Of Unemployment Insurance, Benefit Recovery Collection Manager; and the Div. of Economic Support, Operations Manager.
 - b. The claim is from \$25 to \$499 and:
 - (1) Three past due notices have been sent,
 - (2) It was referred for tax offset, if the tax offset was successful the account should remain open for 3 years or until paid in full, and
 - (3) It has been past due for 3 years.
 - (4) Approval for the write-off must be given by the Div. Of Unemployment Insurance, Recovery Collection Manager; and

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22.2.8 Terminating Claims Against Non-Participating Households (cont.)

Benefit Recovery Collection Manager: and the Div.
Of Economic Support, Operations Manager.

- c. The claim is from \$500 to \$4999 and:
- (1) Three past due notices have been sent,
 - (2) It was referred for tax offset (if the tax offset was successful the account should remain open for 5 years or until paid in full),
 - (3) It has been referred to a collection agency or credit bureau, and
 - (4) It has been past due for 5 years.
 - (5) Approval for the write-off must be given by the Div. Of Unemployment Insurance, Benefit Recovery Collection Manager; and the Div. Of Economic Support, Operations Manager.
- d. The claim is over \$5000 and:
- (1) Three past due notices have been sent,
 - (2) It was referred for tax offset (if the tax offset was successful the account should remain open for 10 years or until paid in full),
 - (3) It has been referred to a collection agency or credit bureau, and
 - (4) It has been past due for 10 years.
 - (5) Approval for the write-off must be given by the Agency Director; Div. Of Unemployment Insurance, Benefit Recovery Collection Manager; the Div. Of Economic Support, Operations Manager; and DWD Finance Director.

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22.2.8 Terminating Claims Against Non-Participating Households (cont.)

Documentation of the following information is required:

1. The age of the claims,
2. Actions taken to collect,
3. Documents relevant to the specific claim, eg., death certificates, bankruptcy discharge orders, administrative or judicial decisions.

22.2.9 Overpaid Claims

If a group has overpaid a claim, refund them the amount overpaid as soon as you discover it. Request reimbursement from DES. Follow the instructions in the Accounting Reports Manual, IV.

22.2.10 Timely Negative Notice

FS issued solely because you can't meet the 10 day negative notice requirement are not an overissuance. Don't recover this type of issuance.

22.2.11 Tax Intercept

DES uses tax intercept from both state and federal tax refunds to recover overpayments from people no longer receiving FS.

To use tax intercept, the debt must be:

1. Valid and legally enforceable.
2. State: All error types.
Federal: All error types.
3. State: At least \$20.
Federal: At least \$50.
4. State: At least 30 days delinquent.
Federal: Not more than 10 years past due from notification date except in fraud cases. There is no delinquency period for fraud.
5. Free from any current appeals.
6. Incurred by someone who has not filed bankruptcy, nor has their spouse.

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22.2.11.1 Notice & Review

DES sends a notice at least 60 days before the intercept occurs. The person may request a review. DES/BMO may ask your agency for pertinent records.

DES/BMO conducts the review. The client must provide evidence showing the claim is not past due, or is not legally enforceable. If the client can't provide that evidence, the case will be sent for intercept. The case is not subject to the tax intercept while under review.

22.11.1.2 Repayments

Clients who agree to a repayment arrangement are not subject to the intercept, as long as they continue to make their payments. The repayment schedule must be reasonable. One or two dollars a month is not reasonable. Make sure your collection efforts are cost effective. Some suggested guidelines are: 50% up front and the balance over 5 months. Most should be repaid within 12 months.

UNITED STATES CODE SERVICE
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*** THIS SECTION IS CURRENT THROUGH 106-28, APPROVED 5/13/99 ***

TITLE 7. AGRICULTURE
CHAPTER 51. FOOD STAMP PROGRAM

7 USCS @ 2022 (1999)

@ 2022. Disposition of claims; waiver, offset, overpayment, etc.

(a)

(1) The Secretary shall have the power to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any such claim or claims arising under the provisions of this Act [7 USCS @ 2011 et seq.] or the regulations issued pursuant to this Act [7 USCS @@ 2011 et seq.], including, but not limited to, claims arising from fraudulent and nonfraudulent overissuances to recipients, including the power to waive claims if the Secretary determines that to do so would serve the purposes of this Act [7 USCS @@ 2011 et seq.]. Such powers with respect to claims against recipients may be delegated by the Secretary to State agencies. The Secretary shall have the power to reduce amounts otherwise due to a State agency under section 16 of this Act [7 USCS @ 2025] to collect unpaid claims assessed against the State agency if the State agency has declined or exhausted its appeal rights under section 14 of this Act [7 USCS @ 2023]. In determining whether to settle, adjust, compromise, or waive a claim arising against a State agency pursuant to section 16(c) [7 USCS @ 2025(c)], the Secretary shall review a State agency's plans for new dollar investment in activities to improve program administration in order to reduce payment error, and shall take the State agency's plans for new dollar investment in such activities into consideration as the Secretary considers appropriate. To the extent that a State agency does not pay a claim established under section 16(c)(1)(C) [7 USCS @ 2025(c)(1)(C)], including an agreement to have all or part of the claim paid through a reduction in Federal administrative funding, within 30 days from the date on which the bill for collection is received by the State agency, the State agency shall be liable for interest on any unpaid portion of such claim accruing from the date on which the bill for collection was received by the State agency, unless the State agency appeals the claim under section 16(c)(7) [7 USCS @ 2025(c)(7)]. If the State agency appeals such claim (in whole or in part), the interest on any unpaid portion of the claim shall accrue from the date of the decision on the administrative appeal, or from a date that is 1 year after the date the bill is received, whichever is earlier, until the date the unpaid portion of the payment is received. If the State agency pays such claim (in whole or in part, including an agreement to have all or part of the claim paid through a reduction in Federal administrative funding) and the claim is subsequently overturned through administrative or judicial appeal, any amounts paid by the State agency shall be promptly returned with interest, accruing from the date the payment is received until the date the payment is returned. Any interest assessed under this paragraph shall be computed at a rate determined by the Secretary based on the average of the bond equivalent of the weekly 90-day Treasury bill auction rates during the period such interest accrues.

(2) Each adult member of a household shall be jointly and severally liable for the value of any overissuance of coupons.

(b) Collection of overissuances.

(1) In general. Except as otherwise provided in this subsection, a State agency shall collect any overissuance of coupons issued to a household by--

- (A) reducing the allotment of the household;
- (B) withholding amounts from unemployment compensation from a member of the household under subsection (c);
- (C) recovering from Federal pay or a Federal income tax refund under subsection (d); or
- (D) any other means.

(2) Cost effectiveness. Paragraph (1) shall not apply if the State agency demonstrates to the satisfaction of the Secretary that all of the means referred to in paragraph (1) are not cost effective.

(3) Maximum reduction absent fraud. If a household received an overissuance of coupons without any member of the household being found ineligible to participate in the program under section 6(b)(1) [7 USCS @ 2015(b)(1)] and a State agency elects to reduce the allotment of the household under paragraph (1)(A), the State agency shall not reduce the monthly allotment of the household under paragraph (1)(A) by an amount in excess of the greater of--

- (A) 10 percent of the monthly allotment of the household; or
- (B) \$ 10.

(4) Procedures. A State agency shall collect an overissuance of coupons issued to a household under paragraph (1) in accordance with the requirements established by the State agency for providing notice, electing a means of payment, and establishing a time schedule for payment.

(c)

(1) As used in this subsection, the term "uncollected overissuance" means the amount of an overissuance of coupons, as determined under subsection (b)(1), that has not been recovered pursuant to subsection (b)(1).

(2) A State agency may determine on a periodic basis, from information supplied pursuant to section 3(b) of the Wagner-Peyser Act (29 U.S.C. 49b(b)), whether an individual receiving compensation under the State's unemployment compensation law (including amounts payable pursuant to an agreement under a Federal unemployment compensation law) owes an uncollected overissuance.

(3) A State agency may recover an uncollected overissuance--

(A) by--

(i) entering into an agreement with an individual described in paragraph (2) under which specified amounts will be withheld from unemployment compensation otherwise payable to the individual; and

(ii) furnishing a copy of the agreement to the State agency administering the unemployment compensation law; or

(B) in the absence of an agreement, by obtaining a writ, order, summons, or other similar process in the nature of garnishment from a court of competent jurisdiction to require the withholding of amounts from the unemployment compensation.

(d) The amount of an overissuance of coupons, as determined under subsection (b)(1), that has not been recovered pursuant to such subsection may be recovered from Federal pay (including salaries and pensions) as authorized by section 5514 of title 5 of the United States Code or a Federal income tax refund as authorized by section 3720A of title 31, United States Code.

HISTORY: (Aug. 31, 1964, P.L. 88-525, @ 13, 78 Stat. 707; Sept. 29, 1977, P.L. 95-113, Title XIII, @ 1301, 91 Stat. 974; Aug. 13, 1981, P.L. 97-35,

Title I, Subtitle A, Part 1, @ 113(a), 95 Stat. 363; Sept. 8, 1982, P.L. 97-253, Title I, Subtitle E, @@ 177, 178, 96 Stat. 781, 782.)
 (As amended Dec. 23, 1985, P.L. 99-198, Title XV, Subtitle A, @@ 1533, 1534, 1535(a), 99 Stat. 1583; Sept. 19, 1988, P.L. 100-435, Title VI, @@ 601, 602, 102 Stat. 1674; Nov. 28, 1990, P.L. 101-624, Title XVII, Subtitle A, @ 1746, 104 Stat. 3796; Dec. 13, 1991, P.L. 102-237, Title IX, @ 911, 105 Stat. 1887; Aug. 10, 1993, P.L. 103-66, Title XIII, Ch 3, Subch D, @ 13941, Subch E, @ 13951(a), 107 Stat. 676, 677; Aug. 22, 1996, P.L. 104-193, Title VIII, Subtitle A, @ 844(a), 110 Stat. 2332.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1977. Act Sept. 29, 1977 (effective 10/1/77, as provided by @ 1301 of such Act), substituted this section for one which read:

"Whenever--

"(a) an application of a retail food store or wholesale food concern to participate in the food stamp program is denied,

"(b) a retail food store or a wholesale food concern is disqualified under the provisions of section 11 of this Act, or

"(c) all or part of any claim of a retail food store or wholesale food concern is denied under the provisions of section 12 of this Act, notice of such administrative action shall be issued to the retail food store or wholesale food concern involved. Such notice shall be delivered by certified mail or personal service. If such store or concern is aggrieved by such action, it may, in accordance with regulations promulgated under this Act, within ten days of the date of delivery of such notice, file a written request for an opportunity to submit information in support of its position to such person or persons as the regulations may designate. If such a request is not made or if such store or concern fails to submit information in support of its position after filing a request, the administrative determination shall be final. If such a request is made by such store or concern, such information as may be submitted by the store or concern, as well as such other information as may be available, shall be reviewed by the person or persons designated, who shall, subject to the right of judicial review hereinafter provided, make a determination which shall be final and which shall take effect fifteen days after the date of the delivery or service of such final notice of determination. If the store or concern feels aggrieved by such final determination he may obtain judicial review thereof by filing a complaint against the United States in the United States district court for the district in which he resides or is engaged in business, or in any court of record of the State having competent jurisdiction, within thirty days after the date of delivery or service of the final notice of determination upon him, requesting the court to set aside such determination. The copy of the summons and complaint required to be delivered to the official or agency whose order is being attacked shall be sent to the Secretary or such person or persons as he may designate to receive service of process. The suit in the United States district court or State court shall be a trial de novo by the court in which the court shall determine the validity of the questioned administrative action in issue. If the court determines that such administrative action is invalid it shall enter such judgment or order as it determines is in accordance with the law and the evidence. During the pendency of such judicial review, or any appeal therefrom, the administrative action under review shall be and remain in full force and effect, unless an application to the court on not less than ten days' notice, and after hearing thereon and a showing of irreparable injury, the court temporarily stays such administrative action pending disposition of such trial

or appeal."

1981. Act Aug. 13, 1981, designated existing provisions as subsec. (a), and in subsec. (a) as so designated, inserted ", including the power to waive claims if the Secretary determines that to do so would serve the purposes of this Act" and inserted the sentence beginning "The Secretary shall have power to reduce . . ."; and added subsec. (b).

1982. Act Sept. 8, 1982 (effective upon enactment on 9/8/82, as provided by @ 193(a) of such Act, which appears as 7 USCS @ 2012 note), in subsec. (b)(1), designated the existing provisions as subpara. (A), in subpara. (A) as so designated, inserted "within thirty days of a demand for an election", and added subpara. (B), and in para. (2), designated the existing provisions as subpara. (A) and added subpara. (B).

1985. Act Dec. 23, 1985 (effective upon enactment on 12/23/85, as provided by @ 1801 of such Act, which appears as 7 USCS @ 1281 note), in subsec. (a), designated the existing provisions as para. (1), and added para. (2); in subsec. (b)(1)(B), substituted "shall" for "may", and inserted ", unless the State agency demonstrates to the satisfaction of the Secretary that such other means are not cost effective"; and added subsec. (c).

1988. Act Sept. 19, 1988 (effective and applicable as provided by @ 701(b)(5) of such Act, which appears as 7 USCS @ 2012 note), in subsec. (a)(1), added the sentences beginning "In determining whether . . .", "To the extent that a State . . .", "If the State agency . . .", "If the State agency pays . . .", and "Any interest assessed . . .".

1990. Act Nov. 28, 1990 (effective upon enactment as provided by @ 1781(b)(2) of such Act, which appears as 7 USCS @ 2012 note), in subsec. (b)(1)(A), substituted "On the date of receipt (or, if the date of receipt is not a business day, on the next business day)" for "within thirty days".

1991. Act Dec. 13, 1991 (effective upon enactment, as provided by @ 1101(d)(4) of such Act, which appears as 7 USCS @ 1421 note), in subsec. (b)(2)(A), inserted ", except that the household shall be given notice permitting it to elect another means of repayment and given 10 days to make such an election before the State agency commences action to reduce the household's monthly allotment".

1993. Act Aug. 10, 1993 (effective Oct. 1, 1991, as provided by @ 13971(b)(1)(A) of such Act, which appears as 7 USCS @ 2025 note), in subsec. (a)(1), deleted "(after a determination on any request for a waiver for good cause related to the claim has been made by the Secretary)" following "bill for collection" and substituted "1 year" for "2 years".

Such Act further (effective, and to be implemented beginning on, Oct. 1, 1993, as provided by @ 13971(a) of such Act, which appears as 7 USCS @ 2025 note) added subsec. (d).

1996. Act Aug. 22, 1996, substituted subsec. (b) for one which read:

"(b)

(1)

(A) In the case of any ineligibility determination under section 6(b) of this Act, the household of which such ineligible individual is a member is required to agree to a reduction in the allotment of the household of which such individual is a member, or payment in cash, in accordance with a schedule determined by the Secretary, that will be sufficient to reimburse the Federal Government for the value of any overissuance of coupons resulting from the activity that was the basis of the ineligibility determination. If a household refuses to make an election on the date of receipt (or, if the date of receipt is not a business day, on the next business day) of a demand for an election, or elects to make a payment in cash under the provisions of the preceding sentence and fails to do so, the household shall be subject to an allotment reduction.

"(B) State agencies shall collect any claim against a household arising from the overissuance of coupons based on an ineligibility determination under section 6(b), other than claims collected pursuant to subparagraph (A), by using other means of collection, unless the State agency demonstrates to the satisfaction of the Secretary that such other means are not cost effective.

"(2)

(A) State agencies shall collect any claim against a household arising from the overissuance of coupons, other than claims the collection of which is provided for in paragraph (1) of this subsection and claims arising from an error of the State agency, by reducing the monthly allotments of the household, except that the household shall be given notice permitting it to elect another means of repayment and given 10 days to make such an election before the State agency commences action to reduce the household's monthly allotment. These collections shall be limited to 10 per centum of the monthly allotment (or \$ 10 per month, whenever that would result in a faster collection rate).

"(B) State agencies may collect any claim against a household arising from the overissuance of coupons, other than claims collected pursuant to paragraph (1) or subparagraph (A), by using other means of collection."; and, in subsec. (d), substituted ", as determined under subsection (b)(1)," for "as determined under subsection (b) and except for claims arising from an error of the State agency," and inserted "or a Federal income tax refund as authorized by section 3720A of title 31, United States Code".

Other provisions:

Effective date of Aug. 13, 1981 amendments. For the effective date of amendments made to this section by Act Aug. 13, 1981, P.L. 97-35, see Act Sept. 8, 1982, P.L. 97-253, Title I, Subtitle E, @ 192(a), 96 Stat. 788, which appears as 7 USCS @ 2012 note.

NOTES:

CROSS REFERENCES

This section is referred to in 7 USCS @@ 2014, 2023, 2025, 2027.

RESEARCH GUIDE

Am Jur:

3A Am Jur 2d, Aliens and Citizens @ 2080.

Forms:

10A Federal Procedural Forms L Ed, Health, Education, and Welfare @@ 37:11, 12.

Annotations:

Construction and application of Food Stamp Act of 1964 (7 USCS @@ 2011 et seq.) establishing Food Stamp Program. 13 ALR Fed 369.

INTERPRETIVE NOTES AND DECISIONS

Section 113 of the Omnibus Budget Reconciliation Act of 1981 (7 USCS @ 2022) is prospectively applied where state reduces current food stamp benefits to offset current valid debts, despite fact that debts were outstanding on date of enactment of Act; furthermore, even if application of new collection procedure to existing indebtedness is considered retroactive application of @ 113, @ 113 is procedural or remedial in nature and may be applied retroactively. Alexander v Robinson (1985, CA5 La) 756 F2d 1153.

Department of Agriculture has authority to waive claims pursuant to 7 USCS

@ 2022, and decision regarding appropriateness of waiver is not subject to judicial review unless Congress imposes explicit restrictions on scope of agency enforcement discretion and provides judicially manageable standards for determining when agency has violated those restrictions. *Texas v United States* (1992, CA5 Tex) 951 F2d 645.

State plan to use income tax refund due to food stamp recipient to offset amount of food stamp overpayment is in accord with provision of 7 USCS @ 2022 allowing states to use "other means of collection." *Mercer v Magnant* (1994, CA7 Ind) 40 F3d 893, 94 TNT 245-19.

State agency designated to implement food stamp program violated due process rights of stamp recipients who had received, due to agency error, more stamps than they were entitled to, where agency sent recipients demand letters to collect on overpayment, but failed to adequately notify recipients of state's discretionary authority, granted to it by Secretary of Agriculture, to settle, adjust, compromise, or deny state's claims. *Bliek v Palmer* (1997, CA8 Iowa) 102 F3d 1472.

Food and Nutrition Service lacks authority under common law and Food Stamp Act (7 USCS @@ 2011 et seq.) to assess late payment interest charges against State Department of Social Services on all debts over 30 days old which are owed to Service by State Department of Social Services. *Perales v United States* (1984, SD NY) 598 F Supp 19, affd (CA2 NY) 751 F2d 95.

Due process required state officials instituting collection of food stamp overpayments pursuant to 7 USCS @ 2022(a)(1) to give notice to recipients of agency's authority to effect settlement, adjustment, compromise, or denial of overpayment caused solely by agency error and of opportunity to request such agency action. *Bliek v Palmer* (1996, ND Iowa) 916 F Supp 1475.

Administrators of state food stamp program are enjoined from reducing monthly food allowance by more than 10 percent in order to recoup overissuances due to inadvertent recipient error, and from reducing allowance at all to recoup overissuance due to agency error, even though administrators argue that they properly waived limits on recoupment applicable to regular food stamp program as part of conduct of pilot project called Avenues for Self-Sufficiency Through Employment and Training Services (ASSETS), because 7 USCS @ 2022(b)(2)(A) restrictions on power to recoup could not be waived since such waivers could in no way "increase efficiency of food stamp program" or "improve delivery of food stamp benefits" in line with goals of 7 USCS @ 2026(b)(1) pilot project authorization. *James v Madigan* (1992, MD Ala) 806 F Supp 239.

1ST CASE of Level 1 printed in FULL format.

EVELYN BLIEK, Individually and on behalf of all other persons similarly situated; TISH EBERLINE, Individually and on behalf of all other persons similarly situated, Plaintiffs - Appellees, v. CHARLES M. PALMER, In his official capacity as the Director of the Iowa Department of Human Services; KIM D. SCHMETT, In his capacity as Acting Director of the Iowa Department of Inspections and Appeals, Defendants - Appellants.

Nos. 96-1466, 96-1991

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

102 F.3d 1472; 1997 U.S. App. LEXIS 3

June 12, 1996, Submitted
January 2, 1997, Filed

PRIOR HISTORY: [**1] Appeals from the United States District Court for the Northern District of Iowa. C93-4083. Honorable Mark W. Bennett, District Judge.

DISPOSITION: Affirmed.

CORE TERMS: notice, overissuance, recipient, food, settlement authority, food stamp, stamps, household, overpayment, inform, demand letter, summary judgment, fair hearing, property interest, allotment, food stamp program, discretionary, collection, repayment, adjust, reasonably calculated, entitled to receive, authority to settle, private interest, deprivation, subsistence, low-income, settle, state agencies, state agency

COUNSEL: Counsel who presented argument on behalf of the appellant was Barbara E.B. Galloway, Des Moines, IA.

Counsel who presented argument on behalf of the appellee was Joseph G. Basque, Council Bluffs, IA. Additional attorneys appearing on the brief were Martin Ozga and Linda Cooper.

JUDGES: Before BEAM, HEANEY, and HANSEN, Circuit Judges.

OPINIONBY: HANSEN

OPINION:
[*1473] HANSEN, Circuit Judge.

Evelyn Blik and Tish Eberline filed this class action suit pursuant to 42 U.S.C. @ 1983, seeking injunctive and declaratory relief. The plaintiffs contended, among other things, that the defendants violated the plaintiffs' due process rights by failing to notify them of the state's discretionary authority to settle, adjust, compromise, or deny claims arising out of overissuances of food stamps due solely to agency error. The district court n1 granted the plaintiffs' motion for summary judgment and permanently enjoined the defendants from initiating or continuing efforts to collect food stamp overpayments issued as a result of agency error until the defendants provided notice to the plaintiffs of the state's settlement authority. The court gave the parties

fourteen days in which to file a report in which they agreed to the terms of the notice to be provided to the class members.

-Footnotes-

n1 The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.

-End Footnotes-

[**2]

Defendants filed a notice of appeal and a motion to stay the permanent injunction pending the appeal. We granted the defendants' motion in part, staying all of the injunction except the portion requiring the parties to submit for the district court's approval a report agreeing to the terms of the notice. The parties subsequently submitted an agreed-upon form of notice to the district court, and the court approved it and entered a final judgment in the case. We affirm the judgment of the court and lift the stay we previously imposed.

I.

The named plaintiffs in this case, Evelyn Bliet and Tish Eberline, both receive food stamps pursuant to the Food Stamp Act of 1977 (the Act), 7 U.S.C. @@ 2011-2032 (1994). Solely as a result of mistakes made by the State of Iowa, and unbeknownst to them, Bliet and Eberline were issued more food stamps than they were entitled to receive under the Act. Upon discovering this "agency error," the defendants initiated collection of the food stamp overpayments by sending each of the plaintiffs a "demand letter," as prescribed by federal regulations promulgated under the Act. See 7 C.F.R. @ 273.18(d)(3) (1995). The demand letters informed the plaintiffs [**3] of the alleged overissuances and gave the plaintiffs notice of their administrative appeal rights as to the amount of overissuances. The letters did not specifically inform the plaintiffs that the state has discretionary settlement authority to settle, adjust, compromise or deny recovery of all or part of the overpayments, even though a section of the notice headed "Actions That May Be Taken On Overpayments" listed every adverse action that could be taken, including criminal prosecution and the filing of a civil suit. (See Appellants' App. at 119.)

The plaintiffs filed this cause of action pursuant to 42 U.S.C. @ 1983, individually and on behalf of others similarly situated, challenging the state's policies regarding the collection of overissuances. The district court certified the class action, describing the class as "all individuals residing in the State of Iowa who have participated in the food stamp program in the State of Iowa, who have been determined to have received an overpayment of food stamp benefits as a result of agency error, and who have been [*1474] subjected to collection efforts based on such overpayments since September 28, 1991." Bliet v. Palmer, 916 F. Supp. 1475, 1478 n.1 [**4] (N.D. Iowa 1996). The plaintiffs and the defendants both filed motions for summary judgment. Finding no genuine issues of material fact, the district court rendered an opinion deciding the issues of law, and as relevant here, granted plaintiffs' motion for summary judgment on their procedural due process argument regarding the state's failure to notify the plaintiffs of its settlement authority. Id. at 1485-93. The defendants appeal.

II.

The Food Stamp Act establishes a federally funded, state-administered program that provides nutritional assistance to eligible households. 7 U.S.C. @ 2013(a) (1994). The purpose of the Act is "to safeguard the health and well-being of the Nation's population by raising levels of nutrition among low-income households." Id. @ 2011. Under the food stamp program, eligible households receive food stamp coupons that can be redeemed for food items at retail stores participating in the program. Id. @ 2013(a); see also id. @@ 2014-2015 (setting standards for determining eligibility of households).

The Secretary of Agriculture (the Secretary) is authorized to formulate and administer the food stamp program, id. @ [**5] 2013(a), and to that end has promulgated various regulations, which are set forth at 7 C.F.R. @@ 271.1 - 285.10 (1995). n2 The Secretary has delegated to state agencies the responsibility for administering the program, and thus the state agencies make the individual eligibility determinations and actually distribute the food stamps to the eligible households. 7 C.F.R. @ 271.4(a). The State of Iowa participates in the food stamp program and has designated the Iowa Department of Human Services (DHS) as the state agency that implements the program. Iowa Code Ann. @ 234.12 (1994).

-Footnotes-

n2 Currently, the Food and Consumer Service (FCS) of the United States Department of Agriculture (USDA) acts on the Secretary's behalf in overseeing the program. See 7 C.F.R. @ 271.3(a).

-End Footnotes-

If a household is issued more food stamps than it is entitled to receive, the adult household members are liable for the value of the overissuances. 7 C.F.R. @ 273.18. In such a case, the Secretary has the authority to establish a claim against [**6] those individuals. 7 U.S.C. @ 2022(a)(1). The Secretary also has plenary settlement authority regarding overissuance claims -- that is, "the power to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any such claim or claims arising under [the Act]." Id.

The Secretary has delegated much of his power regarding claims, including the settlement authority, to state agencies. 7 C.F.R. @ 271.4(b). Accordingly, state agencies "shall establish a claim against any household that has received more food stamp benefits than it is entitled to receive" Id. @ 273.18(a).

When a state agency (in Iowa, the DHS) determines that a household has received too many food stamps as a result of agency error, the agency initiates a collection action by sending the household a demand letter. Id. @ 273.18(d)(3)(i). The letter that DHS sends out informs the recipient of the amount of the alleged overissuances and provides a space for the recipient to indicate the recipient's preferred method of repayment. Although the letter informs the recipient of his or her right to appeal the agency's determination and the possibility of a fair [**7] hearing on the appeal, see id. @ 273.15 (fair hearings), it does not inform the recipient of the state agency's settlement authority. In fact, the present form of notice states in large block letters "FEDERAL RULES REQUIRE THAT THE IOWA DEPARTMENT OF HUMAN SERVICES

COLLECT ALL OVERPAYMENTS," without explaining that those same federal rules give the DHS authority to settle and compromise an overpayment claim. (Appellants' App. at 119.)

III.

The district court granted plaintiffs' motion for summary judgment, finding they have been denied procedural due process [*1475] because the state has failed to inform them of its settlement authority. We review a grant of summary judgment de novo, using the same standards as did the district court. *Dakota Gasification Co. v. Pascoe Bldg. Sys.*, 91 F.3d 1094, 1097 (8th Cir. 1996). Thus, we will affirm the grant of summary judgment if the record shows there is no genuine issue of material fact and the prevailing party is entitled to a judgment as a matter of law. Fed. R. Civ. P. 56(c); *Dakota Gasification Co.*, 91 F.3d at 1097.

The Due Process Clause of the Fourteenth Amendment guarantees that no state will "deprive any person of life, [*8] liberty, or property, without due process of law." U.S. Const. amend. XIV, @ 1. We engage in a two-part analysis when addressing a procedural due process argument, asking, first, whether the plaintiffs have a protected interest at stake, and if so, what process is due. *Schneider v. United States*, 27 F.3d 1327, 1333 (8th Cir. 1994), cert. denied, 130 L. Ed. 2d 628, 115 S. Ct. 723 (1995). The state concedes the first point of the analysis, stating:

Iowa agrees that Food Stamp recipients have a property interest protected by the Fourteenth Amendment in the Food Stamp coupons and in the cash equivalent that Iowa would attempt to collect as repayment of an overissuance of Food Stamps due to agency error. Iowa disagrees with the District Court's conclusion that the Due Process Clause requires more process.

(Appellants' Br. at 19.)

For the most part, the Supreme Court provided the answer to our second inquiry in *Goldberg v. Kelly*, 397 U.S. 254, 25 L. Ed. 2d 287, 90 S. Ct. 1011 (1970). There, the Court held that welfare benefits "are a matter of statutory entitlement for persons qualified to receive them" and thus are a constitutionally protected property interest. *Id.* at 262. Further, because the welfare recipients [*9] in *Goldberg* relied on the benefits for subsistence, the Court held that the recipients were entitled under the Due Process Clause to a fair hearing before the termination of the benefits. *Id.* at 264. In *Atkins v. Parker*, the Court eliminated any doubt one might have about the application of *Goldberg* holdings to food stamp benefits, noting that food stamps are a matter of statutory entitlement, just as welfare benefits are. n3 472 U.S. 115, 128, 105 S. Ct. 2520, 86 L. Ed. 2d 81 (1985). Supreme Court precedent dictates that due process includes notice and a fair hearing. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 94 L. Ed. 865, 70 S. Ct. 652 (1950). Cf. H.R. Rep. No. 464, 95th Cong., 1st Sess. 285, reprinted in 1977 U.S.C.C.A.N. 1978 (stating the "fair hearing" rules for food stamp recipients were implemented in response to *Goldberg v. Kelly*, 397 U.S. 254, 25 L. Ed. 2d 287, 90 S. Ct. 1011 (1970)).

-Footnotes-

n3 We note that the plaintiffs do not have a protected property interest in the actual overissuances of food stamps, because the protected property interest is only in the benefits the recipient is "qualified to receive." Atkins v. Parker, 472 U.S. 115, 128, 86 L. Ed. 2d 81, 105 S. Ct. 2520 (1985). Likewise, there is no protected property interest in the plaintiffs' expectation of a settlement or an adjustment by the state, for the state's settlement authority for its claim is purely discretionary and gratuitous. See Schneider, 27 F.3d at 1333.

- - - - -End Footnotes- - - - -
[**10]

In determining what process is due in this circumstance, we note that the need for an adequate notice is also settled law. Adequate notice is integral to the due process right to a fair hearing, for the "right to be heard has little reality or worth unless one is informed." Mullane, 339 U.S. at 314. Adequate notice is that which is "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." Id. Further, the notice must "apprise the affected individual of, and permit adequate preparation for, an impending hearing." Memphis Light, Gas & Water Div. v. Craft, 436 U.S. 1, 14, 56 L. Ed. 2d 30, 98 S. Ct. 1554 (1978) (internal quotations omitted). Due process is a flexible concept and a determination of what process is due, or what notice is adequate, depends upon the particular circumstances involved. See id. at 14 n.15.

[*1476] The need for adequate notice is particularly compelling in the circumstances of this case, to protect the same interests the Supreme Court recognized in reaching its conclusion that due process required a pretermination hearing for welfare recipients. See Goldberg, [*11] 397 U.S. at 264. Like the welfare recipients in Goldberg, the class members in this case are, by definition, low-income persons who live "on the very margin of subsistence." Mathews v. Eldridge, 424 U.S. 319, 340, 47 L. Ed. 2d 18, 96 S. Ct. 893 (1976). They simply do not have the financial resources to correct with ease by repayment the state's erroneous overpayments. Likewise, the plaintiffs are not as a general matter in the financial position to hire legal counsel to aid in the interpretation of the notice they receive and to inform them of the state's full authority. n4 Therefore, the notice that DHS gives must be complete, stated in plain language, and reasonably calculated to afford the plaintiffs an opportunity to raise their objections to the state's proposed actions. A plainly written, informative notice is imperative in these circumstances to make the hearing to which the plaintiffs are entitled meaningful.

- - - - -Footnotes- - - - -

n4 We note that the plaintiffs are represented in this action by attorneys from the Legal Services Corporation of Iowa.

- - - - -End Footnotes- - - - -
[**12]

We conclude that the notice the DHS currently sends to the plaintiffs in the form of the demand letter is inadequate. The demand letter informs the plaintiffs that the state has determined they have received overissuances as a result of agency error and gives notice that the plaintiffs may appeal the

existence of the alleged overissuances or the amount, dates, or reason for the alleged overissuances. The letter contains a "Repayment Agreement," which essentially asks the recipient to agree either to a reduced allotment of future food stamp benefits or to a cash payment schedule. Although the plaintiffs are informed that they need not sign the Repayment Agreement, the letter tells the plaintiffs that if they "do not make an agreement and make all payments, [the state] may take a future year's income tax refund, other payments that are owed to [the recipient] from the state, or initiate other appropriate collection procedures." (Appellants' App. at 116, 118.) The letter does not inform the plaintiffs of the state's settlement power, but rather gives the impression to the plaintiffs who have no discretionary funds (which, given the low-income status of the class members, is likely [**13] a common situation) that they have no alternative but to agree to reduce their future allotment of food stamps. Given the circumstances of this case, particularly the financial status of the plaintiffs and the fact that it is the state's own error that has created this predicament, we have difficulty believing that this notice is "reasonably calculated . . . to afford [the plaintiffs] an opportunity to present their objections." Mullane, 339 U.S. at 314. We therefore conclude that the notice is inadequate. n5 Cf. Aacen v. San Juan County Sheriff's Dep't, 944 F.2d 691, 698-99 (10th Cir. 1991) (holding that notice regarding a judgment execution must inform the debtor, who likely has few assets or cash reserves, that various state exemptions as to real and personal property exist); Finberg v. Sullivan, 634 F.2d 50, 62 (3d Cir. 1980) (en banc) (holding that a debtor whose sole source of income was her social security retirement benefits was entitled to be informed that the benefits were exempt from attachment and garnishment).

-Footnotes-

n5 We note that the proposed notice, which has been approved by both parties and the district court for distribution to the members of the class in the event our present stay is lifted, is clear, direct, and informative. It stands in marked contrast to the complex, confusing, and prolix demand letter currently used by the DHS to inform recipients of the overpayment.

-End Footnotes-

[**14]

The familiar, three-part test laid out by the Supreme Court in Mathews v. Eldridge supports our conclusion. Under the Mathews framework, we consider

first, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and agency burdens that the additional or substitute [*1477] procedural requirement would entail.

Mathews, 424 U.S. at 335. As explained above, we believe the general need for adequate notice and a hearing concerning an alleged overpayment of food stamps is clear under Supreme Court precedent. Applying the Mathews test to the plaintiffs' specific request for notice of the state agency's settlement authority, we conclude such notice is necessary to protect the plaintiffs' due process rights.

The first factor in the Mathews test concerns the private interest affected by the official action. The plaintiffs in this case have a vital interest at stake, namely, their subsistence. Because ¹⁵ of their financial status, the potential deprivation and the hardship the plaintiffs may incur in their attempt to repay the overissuances is substantial, even if by most standards the amount of money at stake may be quite small. Thus, the private interest affected by the state's silence regarding its settlement authority weighs heavily in favor of requiring notice.

The defendants argue that the plaintiffs' interest is not significant because their future allotment of food stamps cannot be reduced without their voluntary consent, see 7 C.F.R. @ 273.18(d)(3)(viii) (1995). We note that although the demand letter technically complies with this regulation's requirement that the state agency notify the plaintiffs of the voluntary nature of allotment reduction, this fact is not stated in clear terms. The letter states: "If you fail to make a satisfactory agreement, and the overissuance was the result of household error or intentional program violation, your future Food Stamp Benefit will be reduced to repay the overissuance." (Appellants' App. at 116, 118.) Because there are only three categories of possible reasons for an overissuance -- (1) household error, (2) intentional program ¹⁶ violation, and (3) agency error -- the unstated negative implication in this reference to the first two categories is that the state will not reduce future allotments without the consent of the recipient when the claim stems from the third category, agency error. Given the other, more explicit statements concerning the state's ability to take action absent an agreement on the plaintiffs' part, this "notice" is hardly clear, especially to an untrained eye. n6

-----Footnotes-----

n6 It has not escaped our attention that in contrast to the present notice's unstated negative implication, the notice in use from 1983 to 1991 clearly and directly stated, "The amount of food stamps you are eligible to receive will not be affected if you can't pay or if you fall behind in your installment payments." (Appellants' App. at 111.)

-----End Footnotes-----

More importantly, the defendants' argument misses the point. The plaintiffs, who depend on the state to help them meet their basic nutritional needs and who have justifiably relied on the accuracy of past food stamp issuances, find themselves in the predicament of having to find some way to repay the state for overissuances (already spent on food months ago) caused wholly by the state agency's error. The plaintiffs have a significant interest in being fully informed of the state's authority to settle the claim so that they might ask the state to exercise its authority either before or at the "fair hearing." ¹⁷

As to the second Mathews factor, the risk of erroneous deprivation in this case is substantial, for persons who have no idea of the state's settlement authority are unlikely to ask the state to use its benevolent powers. While it is true, as defendants argue, that the state's settlement authority is a discretionary, gratuitous power, common sense dictates that the likelihood of the state employing this authority is much less when a recipient (ignorant of the state's authority) does not request the state to do so or provide the state with information demonstrating the recipient's special needs. Providing

specific information in the demand letter regarding the state's settlement authority would put the plaintiffs on notice that they may seek modifications from the DHS in the method and amount of repayment. In turn, with the due process protection of notice in place, the risk of deprivation, erroneous or otherwise, will be reduced.

Finally, the state concedes that its interest is "probably negligible." (Appellants' Br. at 24.) We agree. What the plaintiffs are seeking is a mere clarification in the notice the state already issues. The state can accommodate the plaintiffs with [**18] little cost, in [*1478] either finances or time. Furthermore, we subscribe to the district court's view that to the extent that the state may incur any administrative burden, that burden is "not overriding in the welfare context." Blik, 916 F. Supp. at 1490 (quoting Goldberg, 397 U.S. at 266).

Balancing these three factors, the plaintiffs' interest in being apprised of the state's settlement authority far outweighs the state's interest in refusing to give notice of it. "Without forms which paint distinctly the complete picture," these plaintiffs are deprived of a meaningful opportunity even to ask the state to exercise its settlement authority. *Ellendale v. Schweiker*, 575 F. Supp. 590, 601 (S.D.N.Y. 1983). Accordingly, we affirm the district court's holding that "the Due Process Clause requires a complete explanation of the DHS's authority to settle, adjust, compromise, or deny all or part of any claim which results from overissuances." Blik, 916 F. Supp. at 1494.

IV.

For the foregoing reasons, we affirm the judgment of the district court and lift our stay on the permanent injunction issued by the court.



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOO-[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed April 30, 1999, under Wis. Admin. Code §HFS 225.01, to review a decision by the Rock County Wisconsin Works Program to seek recovery of Food Stamps (FS), a hearing was held on May 19, 1999 at Janesville, Wisconsin.

The issue for determination is whether the county correctly determined an FS overpayment because petitioner's worker failed to add back a depreciation expense in determining self-employment income.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED] WI [REDACTED]

Wisconsin Department of Workforce Development
Bureau of Welfare Initiatives
201 East Washington Avenue
PO Box 7935
Madison, WI 53707-7935

By: Annette Hyams, ESS
Rock County Wisconsin Works Program
1900 Center Avenue
P.O. Box 1649
Janesville, WI 53547-1649

EXAMINER:

Brian C. Schneider, Attorney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (SSN [REDACTED]) is a resident of Rock County.
2. Petitioner applied for FS in August, 1998 for herself and her husband. Because they operate a farm, petitioner brought her 1997 income tax return for determining self-employment income.

3. The tax return reported net income, on Line 32 of the 1040 form, as \$7,902. The worker used that figure, divided by twelve, to determine monthly income. The household's FS were calculated using that monthly income amount.
4. In April, 1999, the county's quality assurance reviewers found that the worker failed to add back into the self-employment income the depreciation shown on Schedule F of petitioner's tax return. Adding the \$8,942 depreciation caused monthly income to increase so that, in retrospect, petitioner would not have been eligible for FS because income was too high.
5. By a notice dated April 19, 1999, the county informed petitioner that she was overpaid \$1,382 in FS from August, 1998 through April, 1999. FS also were discontinued effective May 1, 1999; petitioner did not appeal the termination.

DISCUSSION

As a general rule, all non-exempt household income must be budgeted in determining FS eligibility and the amount of the monthly FS allotments. 7 C.F.R. §273.9(b). There are specific rules for determining self-employment income. Self-employment income is annualized over 12-month periods. 7 C.F.R. §273.11(a)(1). Costs of producing the income are not counted. Such costs include labor, raw materials, seed and fertilizer, interest, insurance, and property taxes paid on the income-producing property. 7 C.F.R. §273.11(a)(4)(i). Depreciation is not considered an allowable cost, and as a result depreciation deductions allowable for tax purposes are not allowable for FS purposes. 7 C.F.R. §273.11(a)(4)(ii).

These rules are explained to the agency workers in the FS Handbook, Appendix 13. The workers are told to use the most recent year's income tax return unless there has been a marked change in circumstances. Appendix 13.5.1.2. The workers are told specifically to add back depreciation to the net income shown on Schedule F. Appendix 13.5.1.3. There also is a line for adding back depreciation on the department's self-employment income worksheet that the workers utilize to calculate the monthly income. See Appendix 20.6.0 of the Handbook.

Because petitioner's worker failed to add back the depreciation, petitioner erroneously received FS. If the depreciation had been added back, total income would have been \$16,844, with monthly income thus being \$1,404. The monthly gross income limit for FS currently is \$1,176 for a two-person household. FS Handbook, Appendix 18.1.0.

Having established that the issuance of FS was erroneous, the next question is whether the county correctly seeks recovery. Under FS rules established by the United States Congress, the county must seek recovery of all FS overpayments, regardless of who made the error. 7 U.S.C. 2022(b)(1); 7 C.F.R. §273.18(a)(2); FS Handbook, App. 22.2.1. Therefore, although petitioner relied on the county agency and used the FS in good faith, federal law requires the agency to request repayment of the overpaid FS. One way that petitioner can repay is to reapply for FS; if she is eligible the allotments may be reduced as a means of recovery. Furthermore, the agency does not charge interest, so petitioner may seek to repay as best able without concern that the amount will continue to become more burdensome.

CONCLUSIONS OF LAW

The county correctly sought recovery of an overpayment caused by the worker's failure to budget self-employment income correctly.

NOW, THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby dismissed.

REQUEST FOR A NEW HEARING

This is a final fair hearing decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a new hearing. You may also ask for a new hearing if you have found new evidence which would change the decision. To ask for a new hearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875.

Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST."

Your request must explain what mistake the examiner made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

Your request for a new hearing must be received no later than twenty (20) days after the date of this decision. Late requests cannot be granted. The process for asking for a new hearing is in sec. 227.49 of the state statutes. A copy of the statutes can found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed no more than thirty (30) days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one). The appeal must be served on the Wisconsin Department of Workforce Development, P.O. Box 7946, Madison, WI 53707-7946.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for Court appeals is in sec. 227.53 of the statutes.

Given under my hand at the City of
Madison, Wisconsin, this 25th day
of May, 1999.



Brian C. Schneider, Attorney
Division of Hearings and Appeals
0521/bcs

cc: Rock County WWP
Leonor Rosas DeLeon, DWD
Public Assistance Collection Unit

Case Name: [REDACTED] Case Number: [REDACTED]
 Agency: [REDACTED] - Roch Date: April, 99
 Economic Support Specialist: [REDACTED]

**FOOD STAMP
 OVERISSUANCE
 WORKSHEET**

Income Month/Year →		8/98					
Payment Month/Year →		8/98	9/98	10/98	11/98	12/98	1/99
1	Group Size	2	2	2	2	2	2
2	Vehicle Assets	200.00	200.00	200.00	200.00	200.00	200.00
3	Other Assets	0	0	0	759.86	759.86	759.86
4	Total Assets (2 plus 3)	200.00	200.00	200.00	959.86	959.86	959.86
5	Asset Limit	2000.00	2000.00	2000.00	2000.00	2000.00	2000.00
6	Earned Income	1403.68	1403.68	1403.68	1403.68	1403.68	1403.68
7	Unearned Income	624.43	624.43	588.93	588.93	588.93	588.93
8	Total Gross Income (6 plus 7)	2028.11	2028.11	1992.61	1992.61	1992.61	2002.61
9	Gross Income Limit	1176.00	1176.00	1176.00	1176.00	1176.00	1176.00
10	Excess Medical Expense	0	0	0	0	0	0
11	Subtract 10 from 8	1176.00	1176.00	1176.00	1176.00	1176.00	1176.00
12	Earned Income Deduction *	280.73	280.73	280.73	280.73	280.73	280.73
13	Subtract 12 and 11	1721.88	1721.88	1721.88	1721.88	1721.88	1721.88
14	Standard Deduction	134.00	134.00	134.00	134.00	134.00	134.00
15	Subtract 14 from 13	1587.88	1587.88	1587.88	1587.88	1587.88	1587.88
16	Dependent Care Expense	0	0	0	0	0	0
17	Shelter Deduction	0	0	0	0	0	0
18	Add 17 and 16	0	0	0	0	0	0
19	Total Net Income (15 minus 18)	1587.88	1587.88	1587.88	1587.88	1587.88	1587.88
20	Net Income Limit	905-	905-	905-	905-	905-	905-
21	Allowance	0	0	0	0	0	0
22	PFP Sanction Amount	0	0	0	0	0	0
23	Allotment (21 minus 22)	0	0	0	0	0	0
24	Prior Monthly Recoupment Withheld	0	0	0	0	0	0
25	Correct Allotment (23 minus 24)	0	0	0	0	0	0
26	Actual Issuance (Note: If 23=0 add 24 to this figure before entering)	143-	178-	185-	185-	185-	122-
27	Food Stamps Overissued (26 minus 25)	143-	178-	185-	185-	185-	122-
28	Underissuance (26 minus 25)						

Total all line 27 amounts \$ 998.00 Minus Total all line 28 amounts \$ 0 Minus Total amount already repaid \$ 0

Both pages
 Equals Amount to be Repaid for this Food Stamp Overissuance \$ 1382.00

*When overissuance occurs because the group intentionally failed to report earned income, do not apply the earned income deduction.

Case Name: [REDACTED] Case Number: [REDACTED]
 Agency: 053-Rach Date: 2-99
 Economic Support Special: [REDACTED]

**FOOD STAMP
 OVERISSUANCE
 WORKSHEET**

Income Month/Year →		2/99	3/99	4/99			
Payment Month/Year →		2	2	2			
1	Group Size	2	2	2			
2	Vehicle Assets	200-	200-	200-			
3	Other Assets	790.95	790.95	790.95			
4	Total Assets (2 plus 3)	990.95	990.95	990.95			
5	Asset Limit	2000-	2000-	2000-			
6	Earned Income	1403.68	1403.68	1403.68			
7	Unearned Income	598.93	598.93	598.93			
8	Total Gross Income (6 plus 7)	2002.61	2002.6	2002.6			
9	Gross Income Limit	1176-	1176-	1176-			
10	Excess Medical Expense	—	—	—			
11	Subtract 10 from 8	1176-	1176-	1176-			
12	Earned Income Deduction *	280.73	280.73	280.73			
13	Subtract 12 and 11	1721.88	1725.88	1721.88			
14	Standard Deduction	134-	134-	134-			
15	Subtract 14 from 13	1587.88	1587.88	1587.88			
16	Dependent Care Expense	—	—	—			
17	Shelter Deduction	—	—	—			
18	Add 17 and 16	0	0	0			
19	Total Net Income (15 minus 18)	1587.88	1587.88	1587.88			
20	Net Income Limit	905-	905-	905-			
21	Allowance	0	0	0			
22	PFP Sanction Amount	—	—	—			
23	Allotment (21 minus 22)	0	0	0			
24	Prior Monthly Recoupment Withheld	0	0	0			
25	Correct Allotment (23 minus 24)	0	0	0			
26	Actual Issuance (Note: If 23=0 add 24 to this figure before entering)	128-	128-	128-			
27	Food Stamps Overissued (26 minus 25)	128-	128-	128-			
28	Underissuance (26 minus 25)	0	0	0			

Total all line 27 amounts \$ 384.00 Minus Total all line 28 amounts \$ 0 Minus Total amount already repaid \$ 0

Equals Amount to be Repaid for this Food Stamp Overissuance \$ Both Pages 1382.00

*When overissuance occurs because the group intentionally failed to report earned income, do not apply the earned income deduction.

Tommy G. Thompson
Governor

Linda Stewart
Secretary

Bruce Hagen
Division Administrator



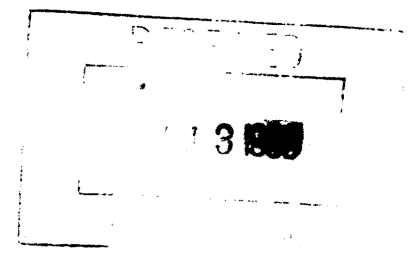
5/19/99 BCS

UNEMPLOYMENT INSURANCE
Bureau of Tax and Accounting
Public Assistance Collection Unit
P.O. Box 8938
Madison, WI 53708-8938
<http://www.dwd.state.wi.us/ui/>

State of Wisconsin
Department of Workforce Development

May 11, 1999

Division of Hearings and Appeals
5505 University Ave Suite 201
Madison WI 53705-5400



Re: [REDACTED]

SSN: [REDACTED]

[REDACTED]

Dear Hearing Examiner:

This department has reviewed the records for the above stated individual. The individual has been properly notified of the outstanding overissuance. It is considered past due and legally enforceable. The following actions have been taken on this individual and copies are attached:

Action:	AFDC	FS
Notice of Overissuance mailed:	NA	4/19/99
Period overpaid:	NA	8/98-4/99
Amount of overissuance:	NA	\$1,382
Recoupments total:	\$0	\$0
Repayments total:	\$0	\$0
Repayment agreement mailed:		NA

Dunning Notice #1 Mailed:
#2 Mailed:
#3 Mailed:

Tax Offset Notices:
IRS Notice Mailed:
DOR Notice Mailed:

Additional Letters Mailed: See Enclosed Notices
Dunning Notices may be viewed in the Client Assistance for Re-employment System (CARES).
Thank you.

Sincerely,

Nadine Konrath
Benefit Recovery Collection Manager

cc: Darlene Cunningham
UCT-9183-E (R. 07/97)

File Ref:

From: SHERRY QUIRK
To: INTERNET: <roxy.barone@dha.state.wi.us>
Subject: [REDACTED]

During an internal QA review the reviewer found that a portion of the 1997 self employment tax forms was never requested by the Economic Support Specialists handling the [REDACTED] case. The forms were subsequently requested and provided by [REDACTED] on 04/14/99.

Upon completion of a self employment worksheet, to correctly budget this self employment income, it was determined that the [REDACTED] FS group was ineligible as net income exceeded the limit for their group size. The correction was applied and the FS case closed. It was also found that due to this self employment income budgeting error an overpayment in FS had occurred between 08/98 through 04/99. The total overpayment amount for this period was calculated to be \$1,382.00. [REDACTED] was notified of this FS overpayment due to agency error in a Notice of Decision dated 04/20/99.

Pursuant to FS Handbook Appendix 22.2.3.3 we are required to establish and collect a nonclient overissuance for a non-participating household if the amount of the claim is \$125.00 or more.

c: [REDACTED]
Public Assistance Collection Unit--Nadine Konrath

BVCI CLAIMS FOR AN INDIVIDUAL 05/03/99 14:11
PIN: [REDACTED] DWD169 C KARSTEN
NAME: [REDACTED]

SEL	CLAIM	CASE	CASE	S	T	O	NOTICE	ADJ CLAIM	OUTSTANDI
DET		CASE	CAT/SEQ	T	Y	F	DATE	AMOUNT	BALANCE
-	[REDACTED]	[REDACTED]	FS 01	O	NC	5553	04 19 99	1382.00	1382.

PFKEYS: 15=BVCD 19=BVPA 20=BVCP 22=BVCC
NEXT TRAN: _____ PARMS: [REDACTED]

BVCD CLAIM DETAIL
CLAIM: ██████████ TYPE: NC NON-CLIENT ERROR
UPDATED DATE: 05 03 99

05/03/99 14:11
DWD169 C KARSTEN
CLAIM STATUS: O OPEN

ORIGINATING OFFICE: 5553 ROCK CO WISCONS COMMENT: Y
CASE: 1107227810 CAT: FS SEQ: 01 PERIOD: 08 07 98 THRU 04 30 99
CREATION DT: 04 19 99 NOTIFICATION DT: 04 19 99 DT OF DELINQUENCY:
CASH IN-KIND ADJ AMT:
ORIG CLM AMT: 1382.00 0.00 ADJ IN-KIND AMT:
ADJ CLM AMT: REFUND AMT:
TOTAL PAYMNT: - - REF ISS DATE:
TOTAL RECOUP: - LAST RECOV DATE:
OUTSTAND BAL: = 1382.00 0.00

* * * * * LIABLE		INDIVIDUALS * * * * *		* * * CURRENT PARTICIPATION			
S NAME		PIN	CASE	CAT	SEQ	ST	OV A
██████████	██████████	██████████	0000000000		00		N
██████████	██████████	██████████	0000000000		00		N

PFKEYS: 18=BVCI 19=BVPA 20=BVCP 22=BVCC
NEXT TRAN: _____ PARMS: 4900161564 _____

IQFT FOOD STAMP YEARLY SUMMARY 05/03/99 14:13
DWD169 C KARSTEN

CASE	CAT	SEQ	FROM YR	TO YR	PRIMARY PERSON NAME			
██████████					██████████	██████████		
YEAR	SUB CD	SEQ	ALLOTMENT AMOUNT	RECOUPMENT AMOUNT	RETURNED AMOUNT	BENEFIT AMOUNT	REPLACEMENT AMOUNT	
1999		1	506.00	.00	.00	506.00	.0	
1998		1	1054.00	.00	178.00	1054.00	178.0	

NEXT TRAN: _____ PARS: 1107227810 _____

COPY

ROCK
ROCK CO WISCONSIN WORKS PROGRAM
1900 CENTER AVE
JANESVILLE WI 53546

State of Wisconsin
Department of Workforce Development

Date: 04/19/99 QUESTIONS: Ask your Worker.
Case Name: [REDACTED]
Case Number: [REDACTED]
Worker Name: [REDACTED]
Worker No: [REDACTED]
Telephone: (608)-757-5200
[REDACTED]
[REDACTED]
[REDACTED]

NOTIFICATION OF FS OVERISSUANCE

BVL1

Claim Number : [REDACTED]

You were issued more Food Stamp benefits than you were eligible to receive. From 08/07/98 to 04/30/99 you were overissued \$ 1382.00. The reason for this overissuance is:

OTHER
due to
NON-CLIENT ERROR

The attached Worksheet shows how we calculated your overissuance. If you also have been underissued Food Stamps, the amount you must repay has been reduced by the amount underissued. See worksheet Total Line 21 and Total Line 22.

By law you must repay the overissuance. A Food Stamp Repayment Agreement will be sent to you separately. It tells how you can repay this overissuance. Sign and return the Repayment Agreement by the date stated on it.

If you do not return the agreement, we will reduce your Food Stamp benefits each month until the full amount is repaid. The amount of this reduction is based on the following circumstances:

If the reason for overpayment is Household Error (Client Error), or Administrative Error, the reduction is 10% of your group's monthly allotment, or \$10, whichever is more.

If the reason for overpayment is Intentional Program Violation, the reduction is 20% of your group's monthly

You have a right to request a fair hearing if you believe the agency's decision that you received an overissuance is wrong. You may request a hearing in person or in writing. You can telephone or go to the county or tribal office listed on top of this notice. You can, instead, write to the county or tribal office or the State Department of Administration, Division of Hearings and Appeals, PO Box 7875, Madison WI 53707. Your request must be received within 90 days of the notice's date (or the effective date of this action if you are still receiving food stamps).

You may represent yourself or be represented at a hearing or conference by an attorney, friend, relative, or anyone else if you choose. We cannot pay for your attorney, however, free legal services may be available. See the list on the back of this notice for agencies that provide free legal services.

Case Number: [REDACTED]

Date: 04/19/99

PAGE: 2

allotment, or \$10, whichever is more.

We will send you a Notice of Decision 10 days before reducing your benefits. You have the right to request a fair hearing as described below. You may be represented at a hearing by anyone you choose. See the back of this notice for agencies providing free legal services.

The following individuals are liable:

[REDACTED]

You have a right to request a fair hearing if you believe the agency's

DEPARTMENT OF WORKFORCE DEVELOPMENT
Division of Economic Support
DES-2298 (R. 08/96)

Case Name

Case Number

Agency

Date

Economic Support Specialist

**FOOD STAMP
OVERISSUANCE
WORKSHEET**

Income Month/Year →		8/98	9/98	10/98	11/98	12/98	1/99
Payment Month/Year →		8/98	9/98	10/98	11/98	12/98	1/99
1	Group Size	2	2	2	2	2	2
2	Vehicle Assets	200.00	200.00	200.00	200.00	200.00	200.00
3	Other Assets	0	0	0	759.86	759.86	759.86
4	Total Assets (2 plus 3)	200.00	200.00	200.00	959.86	959.86	959.86
5	Asset Limit	2000.00	2000.00	2000.00	2000.00	2000.00	2000.00
6	Earned Income	1403.68	1403.68	1403.68	1403.68	1403.68	1403.68
7	Unearned Income	624.43	624.43	588.93	588.93	588.93	588.93
8	Total Gross Income (6 plus 7)	2028.11	2028.11	1992.61	1992.61	1992.61	2002.61
9	Gross Income Limit	1176.00	1176.00	1176.00	1176.00	1176.00	1176.00
10	Excess Medical Expense	0	0	0	0	0	0
11	Subtract 10 from 8	1176.00	1176.00	1176.00	1176.00	1176.00	1176.00
12	Earned Income Deduction *	280.73	280.73	280.73	280.73	280.73	280.73
13	Subtract 12 and 11	1721.88	1721.88	1721.88	1721.88	1721.88	1721.88
14	Standard Deduction	134.00	134.00	134.00	134.00	134.00	134.00
15	Subtract 14 from 13	1587.88	1587.88	1587.88	1587.88	1587.88	1587.88
16	Dependent Care Expense	0	0	0	0	0	0
17	Shelter Deduction	0	0	0	0	0	0
18	Add 17 and 16	0	0	0	0	0	0
19	Total Net Income (15 minus 18)	1587.88	1587.88	1587.88	1587.88	1587.88	1587.88
20	Net Income Limit	905-	905-	905-	905-	905-	905-
21	Allowance	0	0	0	0	0	0
22	PFP Sanction Amount	0	0	0	0	0	0
23	Allotment (21 minus 22)	0	0	0	0	0	0
24	Prior Monthly Recoupment Withheld	—	—	—	—	—	—
25	Correct Allotment (23 minus 24)	0	0	0	0	0	0
26	Actual Issuance (Note: If 23=0 add 24 to this figure before entering)	143-	178-	185-	185-	185-	122-
27	Food Stamps Overissued (26 minus 25)	143-	178-	185-	185-	185-	122-
28	Underissuance (26 minus 25)	—	—	—	—	—	—

Total all line 27 amounts \$ 998.00 Minus Total all line 28 amounts \$ 0 Minus Total amount already repaid \$ 0

Both pages
Equals Amount to be Repaid for this Food Stamp Overissuance \$ 1382.00

*When overissuance occurs because the group intentionally failed to report earned income, do not apply the earned income deduction.

DEPARTMENT OF WORKFORCE DEVELOPMENT
 Division of Economic Support
 DES-2298 (R. 08/96)

Case Name: [REDACTED] Case Number: [REDACTED]
 Agency: Rock Date: April, 99
 Economic Support Specialist: [REDACTED]

**FOOD STAMP
 OVERISSUANCE
 WORKSHEET**

Income Month/Year →		8/98					
Payment Month/Year →		8/98	9/98	10/98	11/98	12/98	1/99
1	Group Size	2	2	2	2	2	2
2	Vehicle Assets	200.00	200.00	200.00	200.00	200.00	200.00
3	Other Assets	0	0	0	759.86	759.86	759.86
4	Total Assets (2 plus 3)	200.00	200.00	200.00	959.86	959.86	959.86
5	Asset Limit	2000.00	2000.00	2000.00	2000.00	2000.00	2000.00
6	Earned Income	1403.68	1403.68	1403.68	1403.68	1403.68	1403.68
7	Unearned Income	624.43	624.43	588.93	588.93	588.93	588.93
8	Total Gross Income (6 plus 7)	2028.11	2028.11	1992.61	1992.61	1992.61	2002.61
9	Gross Income Limit	1176.00	1176.00	1176.00	1176.00	1176.00	1176.00
10	Excess Medical Expense	0	0	0	0	0	0
11	Subtract 10 from 8	1176.00	1176.00	1176.00	1176.00	1176.00	1176.00
12	Earned Income Deduction *	280.73	280.73	280.73	280.73	280.73	280.73
13	Subtract 12 and 11	1721.88	1721.88	1721.88	1721.88	1721.88	1721.88
14	Standard Deduction	134.00	134.00	134.00	134.00	134.00	134.00
15	Subtract 14 from 13	1587.88	1587.88	1587.88	1587.88	1587.88	1587.88
16	Dependent Care Expense	0	0	0	0	0	0
17	Shelter Deduction	0	0	0	0	0	0
18	Add 17 and 16	0	0	0	0	0	0
19	Total Net Income (15 minus 18)	1587.88	1587.88	1587.88	1587.88	1587.88	1587.88
20	Net Income Limit	905-	905-	905-	905-	905-	905-
21	Allowance	0	0	0	0	0	0
22	PFP Sanction Amount	0	0	0	0	0	0
23	Allotment (21 minus 22)	0	0	0	0	0	0
24	Prior Monthly Recoupment Withheld	—	—	—	—	—	—
25	Correct Allotment (23 minus 24)	0	0	0	0	0	0
26	Actual Issuance (Note: If 23=0 add 24 to this figure before entering)	143-	178-	185-	185-	185-	122-
27	Food Stamps Overissued (26 minus 25)	143-	178-	185-	185-	185-	122-
28	Underissuance (26 minus 25)	—	—	—	—	—	—

Total all line 27 amounts \$ 998.00 Minus Total all line 28 amounts \$ 0 Minus Total amount already repaid \$ 0

Both pages
 Equals Amount to be Repaid for this Food Stamp Overissuance \$ 1382.00

*When overissuance occurs because the group intentionally failed to report earned income, do not apply the earned income deduction.

IQFS FOOD STAMP ISSUANCE HISTORY - DISBURSEMENT 05/03/99 14:13
DWD169 C KARSTEN

CASE ██████████ CAT ██████████ PRIMARY PERSON NAME ██████████

SEL	SUB	SEQ	BENEFIT	ISSUANCE	ISSUED	DISP	DISP	DISP	COUNTY	ISS
CD	NUM	NUM	DATE	AMT	CD	RSN	DATE	NUM	MTHD	
—		1	305397331	04 05 99	128.00	IS	03 22 99	53	M	
—		1	305324895	03 03 99	128.00	IS	02 17 99	53	M	
—		1	305300467	01 26 99	128.00	IS	01 25 99	53	M	
—		1	305183078	01 05 99	122.00	IS	12 18 98	53	M	
—		1	305112281	12 03 98	185.00	IS	11 19 98	53	M	
—		1	305040189	11 04 98	185.00	IS	10 17 98	53	M	
—		1	305025245	10 09 98	178.00	IS	10 08 98	53	M	
—		1	304971838	10 05 98	185.00	IS	09 18 98	53	M	
—		1	304902580	09 03 98	178.00	RT	09 09 98	53	M	
—		1	304889762	08 19 98	143.00	IS	08 18 98	53	M	

PF14 IQFD PF16 IQFT PF17 BIFS-SUPPL PF18 BIFS-REPL PAGE :
NEXT TRAN: _____ PARMS: ██████████

REQUEST FOR FAIR HEARING

NAME <i>[Redacted]</i>		PHONE NUMBER <i>[Redacted]</i>	*SOCIAL SECURITY NO. <i>[Redacted]</i>
MAILING ADDRESS (Street, Apt. #, RFD etc.) <i>[Redacted]</i>		*CARES # <i>[Redacted]</i>	
CITY <i>[Redacted]</i> , <i>Wisc</i>	ZIP CODE <i>[Redacted]</i>	COUNTY <i>Rock</i>	CASE WORKER

EFFECTIVE DATE

← DATE YOUR BENEFITS WILL CHANGE *027*

If the action affects your AFDC or MA benefits and your request is received before the effective date, your AFDC and MA benefits in most cases, will not stop or be reduced. (Overpayment of benefits may be recovered by the county agency.) Do you wish your benefits to be continued? Yes No

✓ CHECK TYPE OF BENEFIT AND ACTION TAKEN THAT YOU ARE APPEALING

	APPLICATION DENIED	APPLICATION PROCESS DELAYED	APPLICATION TERMINATED (BENEFITS ENDING)	OVERPAYMENT	BENEFIT AMOUNT REDUCED
<input type="checkbox"/> AFDC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MEDICAL ASSISTANCE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> LEVEL OF CARE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRIOR AUTHORIZATION (What was denied? _____)					
SSI/MA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MA-DISABILITY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> FOOD STAMPS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> NOT RECEIVED (SPECIFY MONTH: _____)					
<input checked="" type="checkbox"/> DENIAL OF 'EXPEDITED SERVICE'					
<input type="checkbox"/> MIGRANT HOUSEHOLD					
<input type="checkbox"/> ENERGY ASSISTANCE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> FOSTER HOME RELATED	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> LICENSE DENIAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> LICENSE REVOCATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> REMOVAL OF CHILD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> DAY CARE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> OTHER (explain below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Why are you asking for a hearing? (continue on other side if needed)

In every sick lady I'm in bed most of day- night if I wasn't eligible for stamps I should have been told so when I brought my records + toasts be looked at. I have no way of income to pay

Signature (Specify if guardian, POA, etc) <i>[Redacted]</i>	Date <i>4/28/99</i>
--	------------------------

this big mistake by your employee Laura L. Wakefield
I took an oath of honesty when this was done ^{Worker No} XRO 289
and I am in no way responsible for this overpayment
mistake



Division of Hearing and Speech

P.O. Box 7875

Milwaukee, Wisconsin

53707-7875

537077875

