

5101:6-2-20 Notice of overpayment/overissuance.

- (A) When the local agency has determined that ~~an~~ A CASH BENEFIT ~~ADC~~ overpayment has occurred, responsible parties from whom repayment is being sought shall be provided written notice of the overpayment determination.

Notice is also required whenever a previous overpayment determination is revised to change the amount or period of the overpayment.

Notice is not required when the overpayment involves possible fraud and has been referred to the county prosecutor, or when recovery has been waived under the provisions of rule 5101:1-25-32 of the Administrative Code.

- (1) The notice shall contain a clear and understandable statement of the determination and the reasons for it, including the amount and period of the overpayment and any offsetting done to reduce it, cite the applicable regulations, explain the available methods of repayment and the individual's right to and the method of obtaining a county conference and a state hearing, unless there has already been a state hearing on the issue, and contain a telephone number to call about free legal services.
- (2) ~~"Notice of ADC Overpayment,"~~ ODHS 7345, or its CRIS-E equivalent, shall be used.

- (B) When the agency has determined that a food stamp overissuance has occurred, assistance groups from which repayment is being sought shall be provided written notice of the overissuance determination.

Notice is also required whenever a previous overissuance determination is revised to change the amount or period of the overissuance or to change the claim type from administrative error (AE) to inadvertent household error (IHE).

Notice is not required when the overissuance involves possible fraud and has been referred to the county prosecutor, or when recovery has been waived under the provisions of rule 5101:4-8-17 of the Administrative Code.

- (1) The notice shall contain a clear and understandable statement of the determination and the reasons for it, including the amount and period of the overissuance and any offsetting done to reduce it, cite the applicable regulations, explain the available methods of repayment and the assistance group's right to and the method of obtaining a county conference and a state hearing, unless there has already been a state hearing on the issue, and contain the name and telephone number of the person to contact for more information and a telephone number to call about free legal services.
- (2) For inadvertent household error and intentional program violation claims, the assistance group shall also be informed of the length of time it has to choose a method of repayment and notify the agency of its decision, and that its allotment will be reduced if it fails to agree to make restitution.

For administrative error claims, the assistance group shall also be informed of the availability of allotment reduction as a method of repayment if the assistance group prefers to use this method.

- (3) The notice shall provide space for the assistance group to indicate the method of repayment, a signature block, and an explanation of the assistance group's right to request renegotiation of any repayment schedule to which it has agreed should its economic circumstances change.

(4) "Food Stamp Repayment Agreement," ODHS 7442, or its CRIS-E equivalent, shall be used.

~~(C) When the agency has determined that a work allowance overpayment has occurred, the assistance group shall be provided written notice of the overpayment determination.~~

~~Notice is not required when recovery has been waived under the provisions of rule 5101:1-47-20 or rule 5101:4-8-26 of the Administrative Code.~~

~~(1) The notice shall contain a clear and understandable statement of the determination and the reasons for it, including the amount and period of the overpayment, cite the applicable regulations, explain the available methods of repayment and the assistance group's right to and the method of obtaining a county conference and a state hearing, unless there has already been a hearing on the issue, and contain the name and telephone number of the person to contact for more information and a telephone number to call about free legal services.~~

~~(2) The notice shall provide space for the assistance group to indicate the method of repayment, a signature block, and an explanation of the assistance group's right to request renegotiation of any repayment schedule to which it has agreed should its economic circumstances change.~~

~~(3) "Notice of Work Allowance Overpayment," ODHS 7303, or its CRIS-E equivalent, shall be used.~~

Effective Date: December 30, 1997

Certification: Arnold R. Tompkins

December 19, 1997
Date

Promulgated Under: Revised Code Chapter 119.

Statutory Authority: Revised Code Section 5101.35

Rule Amplifies: Revised Code Section 5101.35

Review Date: 12-30-02

Prior Effective Dates: 9-1-76, 4-1-80, 6-2-80, 10-1-81, 5-1-82, 7-1-82, 3-20-83, 4-1-83, 7-1-83(Temp.), 8-1-83, 8-19-83, 9-24-83, 11-1-83(Temp.), 12-1-83, 1-1-84, 3-1-84(Temp.), 6-1-84, 10-3-84(Emer.), 12-22-84, 4-1-86, 1-16-87(Emer.), 4-1-87, 4-6-87, 9-1-87, 7-1-88(Emer.), 9-25-88, 4-1-89, 2-1-90, 10-1-90, 6-1-93, 9-1-94, 10-1-96,