

If you receive a Notice of Case Action from the Department of Children and Families telling you that you were overpaid Food Stamp Benefits, you have rights. You can request a Fair Hearing and/or request a Compromise of the overpayment.



When Should I Request a Fair Hearing?

If you believe that DCF is wrong and you were not overpaid or you believe that the amount of the overpayment is wrong, you can and should request a Fair Hearing. A request for a Fair Hearing must be filed within ninety (90) days of the date of the Notice. If you failed to appeal the Notice within the 90 days, you will lose your right to object to the overpayment itself.

Can I stop my benefits from being automatically reduced or ended during the appeal?

Yes, to keep your benefits at the current level, you must file a Request for a Fair Hearing within ten (10) days of the Notice and request that your benefits not be reduced while the appeal is pending.

When should I request a Compromise of the overpayment?

If you believe the overpayment is correct but you are unable to repay it AND the overpayment occurred due to agency error or inadvertent household error, you may be able to obtain a Compromise of the overpayment.

A compromise is when DCF agrees to eliminate the overpayment altogether. You may be able to be approved for a compromise in certain situations, such as: your household income is based on age and/or disability, if you are in bankruptcy proceedings, or if you can prove that due to your ongoing expenses, you will not be able to repay the debt. For further information, please contact CLSMF.

What if my request for Compromise is denied?

You have ninety (90) days to appeal this denial by requesting a Fair Hearing. If you fail to timely appeal the denial of your compromise, you will not be able to file a new Compromise request. It is very important that you do not let your appeal time pass without filing a Fair Hearing Request.

What can DCF do to collect the overpayment?

DCF can take several avenues to collect on the overpayment including recoupment out of your current Food Stamp benefits (10%) and tax intercept.

When should I seek legal counsel if I receive an overpayment notice?

As soon as possible. Your local legal aid program can review your paperwork and evaluate your case for merits in both a Fair Hearing and a Compromise request. They may assist you in preparing your papers and, if they find your case has merit, they may undertake representation.



Will I have to pay for legal services provided?

Legal aid and legal services programs in Florida do not charge attorneys fees. Locate your nearest office using the directory at www.FloridaLawHelp.org

About FloridaLawHelp.org

FloridaLawHelp.org is administered by Florida Legal Services, Inc. and is produced in cooperation with Pro Bono Net and the legal services organizations and government agencies throughout Florida and the United States.

The Florida Bar Foundation, with *Interest on Trust Accounts* program funding, provides support for this service.



This brochure is for general education only. It is not intended to be used to solve *individual problems*. If you have specific questions, see an attorney.



FloridaLawHelp.org

To locate your local legal aid or legal services office, please visit us on the web at

www.floridalawhelp.org

Your local legal aid or legal services office can be located through either the "Find Local Help" or "Directory" links.

If you don't have access to the internet, consult your local Directory Assistance for the number of the legal aid or legal services office nearest to you.

Special thanks to Community Legal Services of Mid-Florida, Inc.

FloridaLawHelp.org

What Do I Do When DCF Tells Me That I Was Overpaid Food Stamps ?

