



Ohio Administrative Code

Rule 5101:4-8-30 Food assistance: treasury offset program.

Effective: [March 1, 2020](#)

(A) What is the treasury offset program (TOP)?

The TOP allows the United States department of the treasury to offset eligible federal payments as a means of collecting past-due supplemental nutrition assistance program (SNAP) claims established in accordance with this chapter of the Administrative Code.

(B) What is an eligible federal payment?

Eligible federal payments include:

- (1) Federal income tax refunds;
- (2) Federal salary income, including military pay;
- (3) Federal retirement income, including military retirement income;
- (4) Contractor/vendor payments;
- (5) Certain federal benefit payments, such as social security, railroad retirement (other than tier 2), and black lung (part B) benefits; and
- (6) Other federal payments, including certain loans that are not exempt from offset.

(C) Which claims are referred to the TOP?

The Ohio department of job and family services (ODJFS) refers claims that are legally enforceable and past-due.



(1) A claim is legally enforceable when:

- (a) The case record contains verification that the debtor has been notified of hearing rights concerning the claim;
- (b) The case record contains documentation showing the claim was properly established in accordance with this chapter;
- (c) The claim balance is twenty-five dollars or more; and
- (d) The claim has not been discharged in bankruptcy and there is not a bankruptcy stay in effect.

(2) When is a claim past due?

A claim is past due when payment has not been received for one hundred twenty days and the debtor has not responded to a notice of default.

A claim is not past-due when:

- (a) A state hearing on the issue of the establishment of the claim is pending;
 - (b) In accordance with paragraph (C) of rule 5101:4-8-19 of the Administrative Code, the thirty days allowed for the debtor's response to a food assistance repayment agreement have not expired;
 - (c) The debtor is making regular payments according to the terms of their negotiated repayment schedule;
 - (d) The claim has already been paid off; or
 - (e) There is another documented reason why the claim is not legally enforceable or past-due.
- (D) Is the debtor notified prior to the referral to the TOP?



No later than sixty days before the referral to the TOP, at least one debtor on a claim is notified of the pending referral.

(E) Will a payment made on the claim cancel the referral to the TOP?

(1) When a debtor makes an acceptable repayment arrangement the claim shall not be referred for offset. An acceptable repayment arrangement means:

(a) When the claim balance is five hundred dollars or less, the balance shall be paid in full within sixty days of the mailing date of the notice issued in accordance with paragraph (D) of this rule.

(b) When the claim balance is more than five hundred dollars:

(i) Payment(s) totaling five hundred dollars are to be received within sixty days of the mailing date of the notice issued in accordance with paragraph (D) of this rule; and

(ii) The debtor is to agree in writing to repay the balance of the claim.

(2) Any payment that the county agency receives in response to the notice issued in accordance with paragraph (D) of this rule shall be credited to the claim proposed to be referred for offset. The county agency shall enter the repayment information into the statewide automated eligibility system on the day that the repayment is received. When the claim balance is more than five hundred dollars, a payment of less than five hundred dollars will not prevent or cancel the offset action.

(F) What are the responsibilities of the county agency?

The county agency shall:

(1) Have a nationwide toll-free telephone service available to the debtor during the agency's regular business hours. The county agency's toll-free telephone number and mailing address shall be printed on all notices issued to debtor.

(2) Verify the debtors identifying information before discussing the claim with the individual.



(3) Comply with the federal taxpayer information safeguarding requirements described in rule 5101:9-9-25 of the Administrative Code.

(4) Forward written requests to ODJFS, office of fiscal and monitoring services, bureau of program integrity (BPI) for a review on a claim that has not yet been referred to the TOP in accordance with rule 5101:4-8-30.1 of the Administrative Code.

(5) Submit the JFS 07430 "Offset Programs Referral Cancellation/Refund Request" to ODJFS within one business day of the determination that a referral is to be canceled.

(G) What happens when the amount of the offset exceeds the amount of the claim?

When the amount of the offset exceeds the amount of the claim, the debtor shall be refunded the difference between the unpaid amount of the claim and the amount offset.