



Ohio Administrative Code

Rule 5101:6-2-20 State hearings: notice of overpayment/overissuance.

Effective: [March 1, 2019](#)

(A) When the local agency has determined that a cash benefit 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.

(1) The notice shall contain:

(a) 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.

(b) Citations of the applicable regulations.

(c) An explanation of 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.

(d) A telephone number to call about free legal services.

(2) The benefit recovery notices, created and maintained by the Ohio department of job and family services and issued through the eligibility system, shall be used.

(B) When the agency has determined that a supplemental nutrition assistance program (SNAP) 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).

(1) The notice shall contain:

(a) Citations of the applicable regulations.

(b) An explanation of 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.

(c) A clear and understandable statement of the determination and the reasons for it, including the amount and period of the overpayment.

(d) A statement of how the claim was calculated, including any offsetting done to reduce the overpayment.

(e) A statement expressing the intent to collect from all adults in the assistance group when the overpayment occurred.

(f) A statement providing an opportunity to inspect and copy records related to the claim.

(g) An explanation of the available methods of repayment.

(h) A statement explaining that if the claim is not paid, it will be sent to other collection agencies who will use various collection methods.

(i) A statement explaining that, if not paid, the claim will be referred to the federal government for federal collection action.

(j) A statement explaining that if the claim becomes delinquent the assistance group may be subject to additional processing charges.

(k) The name and telephone number of a person to contact for more information.



- (1) A telephone number to call about free legal services.

- (2) For inadvertent household error, administrative 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) The JFS 07442 "Food Assistance Repayment Agreement" (rev. 11/2008), or its computer-generated equivalent shall be used.

- (5) Notice is not required when the overissuance involves possible fraud and has been referred to the county prosecutor.