

**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 can request a Compromise of the overpayment. A compromise is when DCF agrees to reduce or eliminate the overpayment altogether. There is no time limit on filing a Request for Compromise but you only get one such request. If you anticipate that your financial circumstances will be changing for the worse in the near future, you probably should elect to wait until the changes have occurred before filing a request for Compromise.

## **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. Community Legal Services can review your paperwork and evaluate your case for merits in both a Fair Hearing and a Compromise request. We can assist you in preparing your papers and, if we find your case has merit, we can undertake representation.



## About FloridaLawHelp.org

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



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## FloridaLawHelp.org

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[www.floridalawhelp.org](http://www.floridalawhelp.org)

Your local legal aid or legal services office can be located through either the “Find Local Help” or “Directory” links at the top of the page.

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.

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

