If you receive a Notice of Case Action from the Department of Children and Families (DCF) indicating that you were overpaid Food Stamp Benefits, you have several rights and options to address the situation:

Requesting a Fair Hearing

When to Request a Fair Hearing:

- If you believe that the DCF is incorrect about the overpayment or the amount of the overpayment, you should request a Fair Hearing.
- You must file the request within 90 days of the date of the Notice. Missing this deadline means you lose the right to dispute the overpayment.

Maintaining Your Benefits During the Appeal:

- To keep your benefits from being reduced or ended while your appeal is pending, you must file a Request for a Fair Hearing within 10 days of the Notice and specifically request that your benefits not be reduced.

Requesting a Compromise

When to Request a Compromise:

- If you agree with the overpayment but are unable to repay it, and if the overpayment occurred due to agency error or inadvertent household error, you may request a Compromise.
- A Compromise can lead to the elimination of the overpayment if you meet certain criteria, such as having household income based on age or disability, being in bankruptcy proceedings, or being unable to repay due to ongoing expenses.

If Your Compromise Request is Denied:

- You can appeal the denial by requesting a Fair Hearing within 90 days of the denial.
- Failing to appeal within this period means you cannot file a new Compromise request.

Collection Methods by DCF

The DCF can collect the overpayment through various methods, including:

- Recouping 10% of your current Food Stamp benefits.
- Intercepting your tax refunds.

Seeking Legal Counsel

When to Seek Legal Counsel:

- It is advisable to seek legal counsel as soon as you receive the overpayment notice.
- Your local legal aid program can help review your case, assist in preparing your documents, and potentially represent you if your case has merit.

Cost of Legal Services:

- Legal aid and legal services programs in Florida do not charge attorney's fees. You can find your nearest legal aid office through the directory at www.FloridaLawHelp.org.

By following these steps and understanding your rights, you can effectively respond to a Notice of Case Action regarding overpaid Food Stamp Benefits.