



Iowa Department of Human Services

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August 8, 2014

GENERAL LETTER NO. 4-H-14

ISSUED BY: Bureau of Financial, Health and Work Supports
Division of Adult, Children and Family Services

SUBJECT: Employees' Manual, Title 4, Chapter H, **PAYMENTS AND ADJUSTMENTS**, page 15, revised.

Summary

Chapter 4-H is revised to add policy that assistance paid during the appeal process is not subject to recoupment when:

- ◆ A participant appeals:
 - Before the effective date of the intended action on the *Notice of Decision* establishing the beginning date of an ineligibility period, or
 - Within 10 days from the date the participant receives the notice establishing the beginning date of an ineligibility period. The date on which the notice is received is considered to be five days after the date on the notice, unless the participant shows that they did not receive the notice within the five-day period, and
- ◆ The Department is affirmed in an appeal regarding an ineligibility period for using the electronic access card at a prohibited location, and
- ◆ An ineligibility period with a new effective date applies.

Effective Date

August 1, 2014

Material Superseded

This material replaces the following page from Employees' Manual, Title 4, Chapter H:

<u>Page</u>	<u>Date</u>
15	September 2, 2011

Additional Information

Refer questions about this general letter to your area income maintenance administrator.

Assistance Paid Pending an Appeal Decision

Legal reference: 441 IAC 46.24(2)

Policy:

If a participant loses an appeal, the participant is responsible for repaying any excess assistance received during the appeal process, except when:

- ◆ A limited benefit plan will be established with a new effective date, or
- ◆ An ineligibility period for using an electronic access card at a prohibited location will be established with a new effective date.

Procedure:

Begin recovery no later than one month after the month when the final decision is issued. The recovery may be delayed until the second month because of timely notice or because data were not entered on the Overpayment Recovery system in time to reduce the participant's grant.

Overpayments in Needy Relative Cases

Legal reference: 441 IAC 41.28(1) and (2)

Policy:

When a needy relative has unreported income, only the needy relative's portion of the FIP benefits are subject to recoupment.

Procedure:

When a needy relative has unreported income:

- ◆ If the unreported income exceeds the FIP income limits for one person (or for two people, if the relative's spouse is in the home), recoup only the relative's portion of the FIP benefits.
- ◆ If the needy relative's unreported income is within the FIP income limits for one person (or for two people if the relative's spouse is in the home), compute the overpayment based on the size of the eligible group with the needy relative included. See [4-C, Needy Specified Relative](#), for more information.
- ◆ If the needy relative fails to provide requested verification of the relative's previously unreported income, recover only the relative's FIP portion for the entire period in question.