

Restored Benefits

810 ENTITLEMENT TO RESTORED BENEFITS

Households are entitled to restored benefits when

- legislation, federal regulations, or court actions require restoration, or
- the household receives less than the amount to which it was entitled during any benefit month.

Households must be or have been eligible for TANF to receive restored benefits for the affected month(s).

Exception: Households not currently receiving TANF are eligible for restored benefits if the underpayment resulted from

- erroneously denied, terminated or reduced benefits; or
- an adverse action, which was appealed within 10 days and the household, waived the right to continued benefits, and the household was sustained.

- an error in benefit issuance was made and the household was not at fault;
- a hearing decision is overturned in court,
- a member is disqualified for an intentional program violation, which is later found inappropriate by the court.
- the household did not receive 10 calendar days to provide expense verification and it was subsequently provided.

Benefits

- are NOT restored for **unreported changes** or household errors;
- are restored regardless of whether the household is currently eligible;
- must be approved by the supervisor or office manager to be restored;
- are restored if the issuance cycle for which the benefits should have been paid has ended.

820 TIME LIMITS FOR QUALIFYING FOR RESTORED BENEFITS

Benefits are restored for no more than 12 months prior to whichever occurred first

- The date
 - the restoration request is received;
 - of discovery or notification a benefits loss has occurred;
 - judicial action was initiated and the court finds benefits were incorrectly withheld;
 - the household participated in a disqualification hearing and judicial action overturned the hearing decision.

830 HOW TO DETERMINE AMOUNT OF RESTORED BENEFITS

Correct ongoing benefits for a current certification.

- Disregard any months before the 12-month time limit.

Exception: Benefits will be restored to households found categorically eligible for a period denied SNAP from the original SNAP application date whether or not a TANF grant was paid, or the SSI payment effective date, or December 23, 1985 whichever is later.

- Determine the month the loss began;
- Determine if the household was eligible for each month it lost benefits.
- Before restoring benefits, obtain the information to determine the household's eligibility for the benefits in question;
- If benefits were denied, the loss is calculated from the date of application to the date the error was discovered or SNAP benefits were recertified. If terminated, calculate from the date of the initial loss, or if delayed, from the date benefits should have been received

Note: When an under issuance is due to a change during the certification period, it is effective with the allotment which should have changed had the benefits been calculated correctly (e.g., the household has 10 days to report and action to update benefits must be taken in 10 days).

- Restore the difference between the amount received and the correct amount of benefits, unless the household owes a claim for an overpayment. Subtract the amount to be restored from the amount due on the claim. Issue any remaining benefit amount to the household.

831 Applying Restored Benefits Toward an Overpayment Claim

Determine the amount of restored benefits by

- recalculating the benefit for the month(s) in question to determine what the household is owed. If there is a restored benefit or underpayment due when there is an existing overpayment balance, the worker must for:
 - **Open cases:** Ensure the amount deducted from the benefit does not exceed 10% of the total budgetable gross income including the TANF cash benefit,
 - or
 - **Closed cases:** Ensure the restored benefit is applied to the overpayment balance.
- subtracting any claim balance (active, suspended, or terminated including any compromised amount) from the lost benefits before the balance is restored.

Exception: Retroactive benefits cannot be used to offset claims.

- Overpayment deductions are applied to the gross TANF payment prior to any deductions for sanction penalties.

Notify the household of the disposition of any restored benefits to which they were entitled.

840 NOTICE TO HOUSEHOLD

Notify the household of

- their entitlement to restored benefits;
- the amount to be restored;
- any offset applied to overpayment balances; and
- the right to appeal.

850 DISPUTED BENEFITS

If the household disagrees with the amount of benefits to be restored or any other restoration action, they may request a hearing within 90 days of the notice date.

As a result of a hearing request

- benefit restoration continues pending the hearing decision; and
- upon receipt, benefits are adjusted according to the hearing officer's decision.

The household may request a hearing if their request for restored benefits is denied. The request is documented with justification for the denial and the date denied.

860 METHOD OF RESTORATION

Restore all benefits owed at the same time. Refer to the TASK Guide for entry of the BMNT screen in NOMADS.

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Note: Issuances in the amount of \$1, \$3 or \$5 are rounded to \$2, \$4 or \$6.

870 CHANGES IN HOUSEHOLD COMPOSITION

If the household composition has changed, restore benefits to the household containing a majority of the people who were members when the loss occurred.

If a majority of the household cannot be located or is no longer living, restore benefits to the head of the household (HOH) at the time the loss occurred.

880 PROCEDURE FOR AUTHORIZING RESTORED BENEFITS

Upon discovery, authorize restored benefits by issuing an underpayment to current recipients and those who would be current recipients if the error causing the loss had not occurred.

- RLB cannot be issued for more than 12 previous months from when the agency is notified of, or discovered the loss.