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DATE: JANUARY, 2000 TO: ALL INCOME MAINTENANCE MANUAL HOLDERS					

The following changes are being made effective January 2000:

Chapter 9

As a result of the 2000 ABAWD waiver, Mineral County is an NILC. Individuals in Mineral County who lost eligibility for failure to meet the ABAWD work requirement may participate in the Food Stamp Program again, if otherwise eligible.

All counties must continue to identify and track ABAWD individuals.

Chapter 20

At the request of IFM, a note in Section 20.2 concerning time frame for writing claims was deleted. In 20.3 an exception was added to repayments of an overpaid claim.

Questions should be directed to the Office of Family Support Policy Unit.

Months in which the client received prorated benefits do not count toward the 3-month limit. In addition, when circumstances change so that an ILC ABAWD, who has been exempt or meeting the requirement is no longer exempt or meeting the requirement, the month in which the change occurs is not counted toward the 3-month limit. This is true even if he has already received a full month's issuance for that month.

EXAMPLE: An ABAWD who works 25 hours per week loses his job the second week of February. February is not counted toward his 3-month limit.

EXAMPLE: An ABAWD applies on January 15 and is approved for a prorated allotment. January is not counted toward his 3-month limit.

(4) Issuance Limited Counties (ILC) and Non-Issuance Limited Counties (NILC)

The following are ILC counties and the only ones in which the 3-month limit applies.

Berkeley	Kanawha	Ohio
Cabell	Mercer	Pendleton
Hampshire	Monongalia	Putnam
Hardy	Monroe	Wood
Jefferson	Morgan	

All other counties are Non-Issuance Limited Counties (NILC).

NOTE: When an NILC becomes an ILC, the first month of the client's 3-month limit is the month in which the county becomes an ILC.

(5) Determining The 36-Month Period

The first 36-month period is determined as follows:

20.1 INTRODUCTION

The Department is responsible for accurately determining the client's eligibility for Food Stamps, cash assistance (AFDC/U, TANF and WV WORKS) and Medicaid. When it is discovered that excess benefits have been issued, corrective action must be taken.

Investigations and Fraud Management (IFM) consists of three units whose primary functions are to assist with program integrity and to recover overissued benefits resulting from Departmental error, client error or client misrepresentation.

The material that follows, when used in conjunction with the RAPIDS USER GUIDE and the IFM Handbooks for the Front-End Fraud Unit (FEFU), Claims and Collections Unit (CCU) and Criminal Investigations Unit (CIU), provide detailed instructions for repayment and corrective procedures for all programs.

For corrective action related to underpayments, see Chapter 2.

a. Lump Sum Payment

One payment is made to pay the claim in its entirety.

b. Installment Payments

When the AG is financially unable to pay the claim in one lump sum, regular monthly installment payments are accepted. The minimum amount of the monthly payment should be equal to 10% of the benefit group's last cash assistance benefit or \$10, whichever is greater. However, any level of repayment is acceptable.

G. RIGHT TO A FAIR HEARING

The client has 90 days from the date of the initial notification/demand payment letter in which to request a Fair Hearing. The Hearings Officer only rules on the type and amount of the claim. If the client requests a Fair Hearing within 30 days of the initial notification/demand payment letter, the Worker stops collection until the Fair Hearing is completed. Any adjustments in the amount of the claim, required by the Fair Hearing decision, are made after the decision.

H. MAINTENANCE OF THE CASH ASSISTANCE CLAIM

1. Notification of Delinquent Payments

Open status claims receive delinquent notice letters 30 days after the last payment.

2. Receipts

Clients who make cash payments receive a receipt at the end of the month in which the payment is posted.

NOTE: Notices/receipts are temporarily suspended pending resolution of RAPIDS programming issues.

3. Action Required When Client Moves

There is no special action required when a client moves to or from West Virginia. Claims for cash assistance do not cross state lines. Claims from other states are not considered and a claim established in West Virginia may follow a client to another state, depending upon that state's policy.