

F. DETERMINING THE REPAYMENT AMOUNT

1. Active Recipients

The monthly repayment amount is 10% of the AG's total gross, non-excluded earned and unearned income, including the actual WV WORKS check amount, which may include reductions and incentives described in Section 10.24 or sanctions described in Section 13.9 and the Child Support Incentive. The amount is determined as follows:

- If the AG has no income other than the WV WORKS check, the repayment amount is determined by multiplying the check amount, after application of any reductions, incentives, or sanctions by 10% and dropping the cents.
- If the AG has income other than the WV WORKS check, the repayment amount is determined as follows:

Step 1: Add together:

- The non-excluded gross earned income of the income group, with no deductions applied
- All non-excluded unearned income of the income group
- The actual WV WORKS check amount, including the Child Support Incentive

Step 2: Determine 10% of the amount in Step 1 and drop the cents.

This is the monthly repayment amount. When the amount determined in Step 2 is less than the WV WORKS check amount, the monthly recoupment amount is equal to the amount calculated in Step 2. When the amount determined in Step 2 is greater than or equal to the WV WORKS check amount from Step 1, the monthly recoupment amount is equal to the WV WORKS check amount less \$1.

The client may voluntarily repay at a higher rate, but the Department may not require repayment at a higher or lower rate than that specified above.

EXAMPLE: A six-person AG has been overpaid \$300. They have \$100 unearned income and receive a \$313 check. The total income for the AG is \$413. Ten percent of \$413 is \$41.30 which after dropping the cents is \$41. This is the required monthly repayment.

Benefit Repayment

EXAMPLE: A family of three receives a \$12 WV WORKS check. They have \$241 per month unearned income. The monthly repayment amount is 10% of the gross income (\$241 + 12) or \$25. The check is less than the repayment amount. The check is reduced to \$1 and \$11 is recouped. The client must be encouraged to supplement this amount from his other income.

2. Former Recipients

Liable debtors are responsible for payment of all claims regardless of case status. Form ES-REPAY-1 offers the client the following options to repay when there is no liable debtor.

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 is \$50. If the CI/RI determines that the AG cannot afford the minimum payment, the payment amount is negotiated on a case-by-case basis.

c. Use of Dormant EBT Cash Account Benefits

- **Inactive - When there has been no cardholder initiated activity in an EBT cash account for a period of 305 days an alert will be sent to IFM. This will give IFM an opportunity to act on an open claim for the case. Inactive status does not affect a cardholder's ability to access the account.**
- **Dormant - When there has been no cardholder initiated activity in an EBT cash account for a period of 335 days, a notice is generated to the client advising if they do not take action within 13 days and a claim is present, the benefit from this benefit month will be applied to the claim. Even if a claim is not present, a transaction must be made to prevent removal of that benefit month.**

Dormant status does not affect a cardholder's ability to access the account.

An alert will be sent to the Worker, however no action is required by the worker.

- **Expungment - When there has been no cardholder initiated activity in an EBT cash account for a period of 365 days, a notice is generated to the client advising the benefits have been expunged and are no longer available. The notice will also advise they may have other grant months remaining and must contact a Worker to have the account reset in order to access those benefits. The client is also encouraged to make monthly transactions on remaining grants.**

An alert will be sent to the Worker, however no action is required by the worker at that time. The client must contact a worker to have the account reset in order to access those benefits.

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 60 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.

3. Action Required When Client Moves

There is no special action required when a client moves to or from West Virginia. Claims from other states will not be pursued for collection.

Claims established in West Virginia may be collected in another state, depending upon that state's policy.

Benefit Repayment

4. Repayment Of An Overpaid Claim

RI's and Financial Clerks are responsible for cash refunds when a claim has been overpaid. If benefits must be restored, IFM notifies the Worker.

5. Effect Of Bankruptcy

The Department may act as a creditor for a bankrupt AG against which the Department has established a claim. When the RI receives documentation, he changes the claim status to "B" for agency and client error claims and forwards the document to the Investigations and Fraud Management State Office. Further collection action is suspended.

NOTE: Court adjudicated claims which declare Chapter 7 bankruptcy are not dischargeable and remain in "O" status. Court adjudicated claims which declare Chapter 13 bankruptcy are dischargeable and change to "B" status. If there is more than one liable debtor, all liable debtors must declare bankruptcy for the claim to be changed to "B" status. If not, the status must remain open.

6. Effect Of Expunged EBT Cash Accounts

When benefits are expunged from a cash EBT account, the following occurs:

- If a claim exists, as indicated on RAPIDS screen BVCL, the RI receives an alert that the EBT cash account is being expunged.
- The RI reduces the amount of the claim(s) by the amount of the expunged benefits.

NOTE: All funds deposited into a cash EBT account, including WV WORKS, CSI and DCA, are used to reduce cash claims when removed from an EBT account and a claim exists.