

County of San Diego, Health and Human Services Agency (HHS)
Cash Assistance Program for Immigrants (CAPI) Program Guide

Overpayment Recovery

Number

99-109.2

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Revision Date:

August 30, 2016

Background:

This section provides information on how to recover overpayments in CAPI.

Purpose:

To provide instructions for recovery of overpayments in CAPI.

Policy:

Overpayments can be recovered through full repayment, installment payments, or grant reduction. Full repayment is always the preferred recovery method. Overpaid recipients who no longer receive CAPI may repay in full or by installment payments. No matter which recovery method the recipient chooses, try to negotiate a recovery rate that will complete recovery within 12 months, and if not, within 36 months. Even if it takes longer than 36 months, recovery should not be stopped until the overpayment is fully recovered.

1. Negotiation of Recovery Method:

See Processing Guide 99-109.2A for actions to negotiate the recovery method.

2. Full Repayment:

Full repayment is always the preferred repayment method. When a recipient indicates a desire to repay the overpayment in full, follow the actions in Processing Guide 99-109.2A.

3. Installment Payments:

When an overpaid recipient no longer receives CAPI, he/she may repay the overpayment by installment payments. The same process for full repayment in Processing Guide 99-109.2A applies. The recipient should send installment payments to the HHS Fiscal Division.

If the recipient is more than 30 days late on an installment payment to Fiscal, they will inform the last CAPI worker of record, who will refer the case to ORR for collection. See 6, below, for referral procedures.

4. Grant Reduction of 10% or More:

If full repayment is not made, grant reductions must be used when:

- The overpaid recipient is receiving benefits
- Recovery has not been waived.

The standard repayment amount for grant reduction is 10% of the CAPI payment standard associated with the overpaid recipient's living arrangement. However, the individual can request a rate of recovery, which is higher or lower than 10%.

Example:

The grant amount for an overpaid aged recipient living independently (in 2001) would be reduced by \$70.20 (10% of \$702), which would make the reduced grant amount \$631.80 (\$702 - \$70.20).

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5. Grant Reduction of Less than 10%:

The worker may approve a grant reduction of less than 10% if:

- The overpayment will be recovered in full within 36 months
- The recipient could not meet his/her ordinary and necessary living expenses if the higher rate of adjustment is applied.

To assist in the determination of a lower grant reduction amount, the overpaid recipient must complete Form SOC 807, CAPI Request for Waiver of Overpayment Recovery – Income/Expense. The rate of reduction should be appropriate for the financial situation of the recipient, allowing him/her to meet current necessary and ordinary living expenses.

6. Referrals for Collection to ORR:

When an overpaid recipient no longer receives CAPI, refer the case to ORR using form 11-99 HHS, Overpayment Collection Referral/Account Status for CAPI, when any of the following has occurred:

- Former CAPI recipient has not responded within 30 days of the overpayment notice, NA 1217
- NA 1217 was returned as undeliverable
- Fiscal Division reports that the former CAPI recipient is more than 30 days late on an installment payment to Fiscal for recovery of an overpayment.

Note: If a former CAPI recipient now receives SSI/SSP, ORR cannot withhold money from the person's SSI/SSP benefit. If an overpaid recipient's only source of income is SSI, he/she may choose voluntarily to repay overpayments from retroactive or ongoing SSI benefits.

7. Intake Procedures for Reopened Cases

Follow the actions in Processing Guide 99-109.2A when a previously discontinued CAPI case reopens and has an overpayment.

Procedure:

Follow the actions in the policies above and Processing Guide 99-109.2A to collect on a CAPI overpayment.

Program Impact/s:

None.

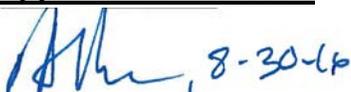
References:

ACL 98-82, 00-73, 01-21, and 02-61
ACIN 33-09

Sunset Date:

This policy will be reviewed for continuance on or by 08/31/2019

Approval for Release:



Rick Wanne, Director
Eligibility Operations