



CDSS

WILL LIGHTBOURNE  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**



EDMUND G. BROWN JR.  
GOVERNOR

November 28, 2011

ALL COUNTY LETTER NO. 11-80

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CalWORKs PROGRAM SPECIALISTS  
ALL CalFresh COORDINATORS  
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO  
KIDS (CalWORKs): NEW AND REVISED OVERPAYMENT NOTICE  
OF ACTION (NOA) MESSAGES

REFERENCES: MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS  
44-316, 44-350 AND 44-352

This All County Letter (ACL) transmits copies of two new and nine revised CalWORKs overpayment NOA messages. The California Department of Social Services (CDSS) created and updated these forms based on input and feedback from the counties, advocates, and consortia.

**New Overpayment NOA Messages**

CDSS created two new overpayment NOA messages to be used in two specific scenarios:

- 1) M44-350I will be used to notify clients about the discovery of an overpayment without an accompanying grant reduction. This will happen when the current grant amount is correct and grant adjustment cannot yet begin due to quarterly reporting rules (grant recoupment of an overpayment may only begin at the beginning of a quarter) or because the county is already collecting on a separate overpayment (and only one overpayment may be collected on at a time).
- 2) M44-352H will be used to notify clients that grant adjustment will now begin on a previously noticed overpayment.

**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

These new NOA messages will ensure that clients are being informed adequately and given the opportunity to request a hearing as soon as an overpayment is discovered, even if recoupment cannot begin immediately. They will also ensure that counties have NOA messages that are adequate for the two situations described above. For additional information regarding adequate noticing requirements, please see All County Information Notice I-151-82, dated November 23, 1982.

### **Summary of Revisions to Current Overpayment NOA Messages**

CDSS revised the nine overpayment NOA messages for clarity, consistency and accuracy. The following changes were made:

- The notices regarding excess property overpayments were revised to more clearly explain the good faith property rules and how the overpayment is calculated in these situations.
- The wording of all NOA messages were reviewed and edited for clarity and consistency.
- The regulations cited in each NOA message were updated and corrected with the accurate regulation citations.
- Lastly, the warning footers were revised for accuracy and consistency:
  - CDSS removed the following sentence: “It can lower your food stamps to collect an overissuance unless it was the county’s fault.” This sentence is misplaced as these NOA messages only pertain to CalWORKs overpayments, not CalFresh overissuances. Furthermore, this sentence is incorrect, as, per the Lomeli V Saenz lawsuit, counties may collect administrative-caused CalFresh overissuances at a rate of five percent for up to 36 consecutive calendar months.
  - The language was revised to ensure that clients are adequately informed about the steps that the county may take in order to recoup these overpayments and what may happen if the overpayment is not paid back in full, including tax intercept and collecting from other members of the family.
  - The language was changed so that it better matches the situation of the specific notice. For example, on notices that are for former recipients, the warning footer no longer says, “if you stay on aid, the County can collect an overpayment by lowering your grant.”

### **Forms Implementation**

Counties must begin using these new and revised NOA messages as soon as administratively possible.

**Camera Ready Copies and Translations**

For camera-ready copies in English, contact the Forms Management Unit at [fmudss@dss.ca.gov](mailto:fmudss@dss.ca.gov). If your office has internet access you may obtain these forms from the CDSS webpage at [http://www.dss.cahwnet.gov/cdssweb/FormsandPu\\_271.htm](http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm). When all translations are completed per MPP Section 21-115.2, including Spanish forms, they are posted on an on-going basis on our web site. Copies of the translated forms can be obtained at [http://www.dss.cahwnet.gov/cdssweb/FormsandPu\\_274.htm](http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm). For questions on translated materials, please contact Language Services at (916) 651-8876. Until translations are available, clients who have elected to receive Spanish, Russian, Vietnamese, and written Chinese materials should be sent the GEN 1365 interpretation informing notice with a local contact number.

If you have any questions regarding this letter, please contact the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

***Original Document Signed By:***

TODD R. BLAND  
Deputy Director  
Welfare to Work Division

Attachments

## ATTACHMENTS

### The following NOA messages are new:

Message #	Title	Action
M44-350I	Notice of Overpayment	Inform
M44-352H	Overpayment Adjustment	Change

### The following NOA messages have been revised:

Message #	Title	Action
M44-350A	Overpayment Adjustment	Change
M44-350E	Excess Property O/P and Adjustment (Without Good Faith)	Change
M44-350F	Excess Property O/P (Without Good Faith)	Demand
M44-350G	Excess Property O/P Adjustment (With Good Faith)	Change
M44-350H	Excess Property O/P (With Good Faith)	Demand
M44-352A	Notice of O/P and Demand	Demand
M44-352C	Overpayment Recovery	Change
M44-352D	Overpayment Recovery	Change
M44-352G	Demand Overpayment	Demand

State of California  
Department of Social Services

Noa Msg Doc No.: M44-350I Page 1 of 1  
Action : Inform  
Issue: U/O Payment  
Title: Notice of Overpayment

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-350.1, 44-352.4

Use Form No. : NA 290  
Original Date : 11-01-11  
Revision Date : 11-01-11

MESSAGE:

You got too much cash aid. You were overpaid  
\$\_\_\_\_\_ from (date) to (date). The  
overpayment was  
[ ] the county's fault  
[ ] your mistake  
[ ] you intentionally caused the overpayment.  
We may charge you with a crime or bar you  
from aid for an intentional violation.

Here's why:

The County can not start collecting this  
overpayment yet because:

- [ ] It is mid-quarter.
- [ ] We are already lowering your grant to  
collect a different overpayment.

You will get a separate notice before we  
start collecting on this overpayment.

The next page(s) show how much cash aid you  
should have had for each month you were  
overpaid and the total amount you owe.

You do not have to use any Social Security or  
SSI benefits you get to repay this  
overpayment.

WARNING: If you think this overpayment is  
wrong, ask for a hearing. The back of this  
page tells how. If you stay on aid, the  
County can collect an overpayment by lowering  
your monthly grant. If you go off aid before  
the overpayment is paid back, the County may  
take what you owe out of your state income  
tax refund or take other legal action to  
collect.

INSTRUCTIONS: Use to notify of an overpayment when grant adjustment may not  
yet begin. Specify the amount owed and the reason for the overpayment.  
Attach the appropriate Continuation Page (NA 274 B, C, D, E or F) to show  
the overpayment computation.

State of California  
Department of Social Services

Noa Msg Doc No.: M44-352H Page 1 of 1  
Action : Change  
Issue: U/O Payment  
Title: Overpayment Adjustment

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-352.4, 44-350.1

Use Form No. : NA 200  
Original Date : 11-01-11  
Revision Date : 11-01-11

MESSAGE:

As of \_\_\_\_\_, the County is changing your cash aid from \$\_\_\_\_\_ to \$\_\_\_\_\_.

Here's why:

You were overpaid \$\_\_\_\_\_ from (date) to (date). The County sent you a notice about this overpayment on (date), but at that time we did not start collecting because:

- [ ] It was mid-quarter.
- [ ] We were already lowering your grant to collect a different overpayment.

The next page shows how much will be taken out of each month's cash aid amount.

Please see the notice we sent you on (date) (attached), which showed how much cash aid you should have had for each month you were overpaid.

Your new cash aid amount is figured on this page.

You do not have to use any Social Security or SSI benefits you get to repay this overpayment.

WARNING: If you think this overpayment is wrong, this is your last chance to ask for a hearing. The back of this page tells how. If you stay on aid, the County can collect an overpayment by lowering your monthly grant. If you go off aid before the overpayment is paid back, the County may take what you owe out of your state income tax refund or take other legal action to collect.

INSTRUCTIONS: Use to notify of a grant adjustment on a previously noticed overpayment. Specify when the overpayment took place and the total amount owed. Attach the NA 275 to show the grant adjustment amount. Attach a copy of the Notice of Action that was sent when the overpayment was first discovered.

State of California  
Department of Social Services

Noa Msg Doc No.: M44-350A Page 1 of 1  
Action : Change  
Issue: U/O Payment  
Title: Overpayment Adjustment

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-350.1, 44-352.4

Use Form No. : NA 200  
Original Date : 05-01-87  
Revision Date : 11-01-11

MESSAGE:

As of (date), the County is changing your cash aid from \$\_\_\_\_\_ to \$\_\_\_\_\_. You got too much cash aid. You were overpaid \$\_\_\_\_\_ from (date) to (date). The overpayment was  
[ ] the county's fault  
[ ] your mistake  
[ ] you intentionally caused the overpayment.  
We may charge you with a crime or bar you from aid for an intentional violation.

Here's why:

The next page(s) show how much cash aid you should have had for each month you were overpaid, the total amount you owe, and how much will be taken out of each month's cash aid amount.

Your new cash aid amount is figured on this page.

You do not have to use any Social Security or SSI benefits you get to repay this overpayment.

WARNING: If you think this overpayment is wrong, this is your last chance to ask for a hearing. The back of this page tells how. If you stay on aid, the County can collect an overpayment by lowering your monthly grant. If you go off aid before the overpayment is paid back, the County may take what you owe out of your state income tax refund or take other legal action to collect.

INSTRUCTIONS: Use to notify of an overpayment and subsequent grant adjustment. Specify the amount owed, dates the overpayments occurred and indicate in the "Here's Why" section the reason for the overpayment.

Attach the appropriate Continuation Page (NA 274 B, C, D, E or F) to show the overpayment computation. Attach the NA 275 to show the grant adjustment amount.

This message replaces M44-350A dated 01-01-98



Noa Msg Doc No.: M44-350E Page 2 of 2  
Original Date : 05-01-86  
Revision Date : 11-01-11

INSTRUCTIONS: Use to notify of an overpayment and subsequent grant adjustment due to excess property without good faith. Specify the amount owed.

Fill in the beginning and end dates of the claim period. Do not include any months before the recipient was required to report this property.

Attach the appropriate Continuation Page NA 280 to show the overpayment computation. Attach the NA 275 to show the grant adjustment amount.

This message replaces M44-350E dated 01-01-98.

State of California  
Department of Social Services

Noa Msg Doc No.: M44-350F Page 1 of 2  
Action : Demand  
Issue: U/O Payment  
Title: Excess Prop O/P (W/O Good Faith)

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-350.1, 44-352.11, 44-352.4,  
42-207.1

Use Form No. : NA 290  
Original Date : 05-01-86  
Revision Date : 11-01-11

MESSAGE:

After you stopped getting cash aid, we found that you were overpaid. You owe \$\_\_\_\_\_.

Here's why: You owned property worth more than the \$\_\_\_\_\_ property limit from (date) to (date). This property was available for you to use to support your family while you were on aid.

This overpayment is your fault. You did not report that you had property worth more than the limit. We found that you did not go over the limit for a "good faith" reason. All the cash aid you got while you were over the property limit is an overpayment because you knew you could not get cash aid while you owned it.

The amount you owe is now due. You must pay back the money or arrange a payment plan with the county before (date). If you do not, the County may take what you owe out of your state income tax refund or take other legal action to collect.

The next page(s) show the month(s) you owned too much property and the total amount you owe.

If you pay by check or money order, send or bring it to:

If you pay with cash, pay in person and be sure to ask for a numbered receipt with the County's name on it.

You do not have to use any Social Security or SSI benefits you get to repay this overpayment.

WARNING: If you did not own the property during the time listed above, or the property was not available to you, or you think the property is worth less, and you think this overpayment is wrong, this is your last chance to ask for a hearing. The back of this page tells how. If you do not repay this overpayment, the County may try to collect it from someone in your cash aid family group.

INSTRUCTIONS: Use to demand repayment of former recipients overpayment due to excess property when the county determines there has not been good faith.

Fill in the beginning and end dates of the claim period. Do not include any months before the recipient was required to report this property.

Fill in the deadline date for paying or arranging a plan for repayment, the total amount owed and the county address.

Attach Continuation Page NA 280 to show the amount of the overpayment.

This message replaces M44-350F dated 01-01-98.

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-350.1, 44-352.11, 44-352.4  
42-207.1

Use Form No. : NA 200  
Original Date : 05-01-86  
Revision Date : 11-01-11

MESSAGE:

As of (date), the County is changing your cash aid from \$\_\_\_\_\_ to \$\_\_\_\_\_. You were overpaid \$\_\_\_\_\_.

Here's why:

You owned property worth more than the \$\_\_\_\_\_ property limit from (date) to (date).

We found that you believed in "good faith" that you were not over the property limit. When you believe in "good faith" that your property was below the limit, we limit the amount of the overpayment as follows: we look at the total amount of aid paid while you were over the limit and we look at how much your property was over the limit in the one month your property had the highest value. Your overpayment is the smaller of the above two amounts.

The month of your highest property was \_\_\_\_\_. In that month, you were \$\_\_\_\_\_ over the limit. The total amount of aid you got while you were over the limit was \$\_\_\_\_\_. Your total overpayment is \$\_\_\_\_\_, the smaller of the above two amounts.

We will collect from your monthly cash aid until the overpayment is paid back. The next page(s) shows the month(s) you owned too much property, the total amount you owe, and how much will be taken out of each month's cash aid amount.

Your new cash aid amount is figured on this page.

You do not have to use any Social Security or SSI benefits you get to repay this overpayment.

WARNING: If you did not own the property during the time listed above, or the property was not available to you, or you think the property is worth less, and you think this overpayment is wrong, this is your last chance to ask for a hearing. The back of this page tells how. If you stay on aid, the County can collect an overpayment by lowering your monthly grant. If you go off aid before the overpayment is paid back, the County may take what you owe out of your state income tax refund or take other legal action to collect.

INSTRUCTIONS: Use to notify ongoing cases that their aid will be reduced by grant adjustment because of an overpayment due to excess property when the county has determined there was good faith.

Attach Continuation Page NA 279 to show the amount of the overpayment. Attach the NA 275 to show the grant adjustment amount.

This message replaces M44-350G dated 01-01-98.

State of California  
Department of Social Services

Noa Msg Doc No.: M44-350H Page 1 of 2  
Action : Demand  
Issue: U/O Payment  
Title: Excess Prop O/P (With Good Faith)

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-350.1, 44-352.11, 44-352.4,  
42-207.1

Use Form No. : NA 290  
Original Date : 05-01-86  
Revision Date : 11-01-11

MESSAGE:

After you stopped getting cash aid, we found that you were overpaid. You owe \$\_\_\_\_\_.

Here's why: You owned property worth more than the \$\_\_\_\_\_ property limit from (date) to (date).

We found that you believed in "good faith" that you were not over the property limit. When you believe in "good faith" that your property was below the limit, we limit the amount of the overpayment as follows: we look at the total amount of aid paid while you were over the limit and we look at how much your property was over the limit in the one month your property had the highest value. Your overpayment is the smaller of the above two amounts.

The month of your highest property was \_\_\_\_\_. In that month, you were \$\_\_\_\_\_ over the limit. The total amount of aid you got while you were over the limit was \$\_\_\_\_\_. Your total overpayment is \$\_\_\_\_\_, the smaller of the above two amounts.

The next page(s) show the month(s) you owned too much property and the total amount you owe.

The amount you owe is now due. You must pay back the money or arrange a payment plan with the County before (date). If you do not, the County may take what you owe out of your state income tax refund or take other legal action to collect.

If you pay by check or money order, send or bring it to:

If you pay with cash, pay in person and be sure to ask for a numbered receipt with the County's name on it.

You do not have to use any Social Security or SSI benefits you get to repay this overpayment.

WARNING: If you did not own the property during the time listed above, or the property was not available to you, or you think the property is worth less, and you think this overpayment is wrong, this is your last chance to ask for a hearing. The back of this page tells how. If you do not repay this overpayment, the County may try to collect it from someone in your cash aid family group.

INSTRUCTIONS: Use to demand repayment of former recipients overpayment due to excess property when the county determines there was good faith.

Fill in the deadline date for paying or submitting a plan for repayment, the total amount owed and the county address.

Attach Continuation Page NA 279 to show the amount of the overpayment.

This message replaces M44-350H dated 01-01-98.

State of California  
Department of Social Services

Noa Msg Doc No.: M44-352A Page 1 of 1  
Action : Demand  
Issue: U/O Payment  
Title: Notice of O/P and Demand

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-352.4, 44-350.1

Use Form No. : NA 290  
Original Date : 05-01-87  
Revision Date : 11-01-11

MESSAGE:

While you were aided, you were overpaid. Though you stopped getting cash aid, you still owe us for your overpayment. You owe \$\_\_\_\_\_.

Here's why:

The amount you owe is now due. You must pay back the money or show the County your plan for paying it back before (date). If you do not, the County may take what you owe out of your state income tax refund or take other legal action to collect.

The next page(s) show the cash aid you were paid and what you should have been paid for each month you were overpaid.

If you pay by check or money order, send or bring it to:

If you pay with cash, pay in person and be sure to ask for a numbered receipt with the County's name on it.

You do not have to use any Social Security or SSI benefits you get to repay this overpayment.

WARNING: If you think this overpayment is wrong, this is your last chance to ask for a hearing. The back of this page tells how. If you do not repay this overpayment, the County may try to collect it from someone in your cash aid family group.

INSTRUCTIONS: Use to notify and demand repayment of former recipients of an overpayment. Specify the amount owed and the reason for the overpayment. Fill in the deadline date for paying or submitting a plan for repayment, and the county address. Attach Continuation Page (NA 274 B, C, D, E or F) to show the overpayment computation.

This message replaces M44-352A dated 01-01-98.

State of California  
Department of Social Services

Noa Msg Doc No.: M44-352C Page 1 of 1  
Action : Change  
Issue: U/O Payment  
Title: Overpayment Recovery

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-352.3, 44-352.4, 44-350.1

Use Form No. : NA 200  
Original Date : 05-01-87  
Revision Date : 11-01-11

MESSAGE:

As of (date), the County is changing your family's cash aid from \$\_\_\_\_\_ to \$\_\_\_\_\_.

Here's why:

\_\_\_\_\_ got too much aid in another case. That overpayment amount was \$\_\_\_\_\_.

Because \_\_\_\_\_ is now a member of your cash aid family group, the amount owed must be taken out of your monthly cash aid payments.

The next page(s) show the amount owed and how much will be taken out of each month's cash aid amount.

Your new cash aid amount is figured on this page.

You do not have to use any Social Security or SSI benefits you get to repay this overpayment.

WARNING: If you think this overpayment is wrong, this is your last chance to ask for a hearing. The back of this page tells how. If you stay on aid, the County can collect an overpayment by lowering your monthly grant. If you go off aid before the overpayment is paid back, the County may take what you owe out of your state income tax refund or take other legal action to collect.

INSTRUCTIONS: Use to grant adjust for an overpayment from another case. Specify the name of the member being added to the case. Specify the amount owed and the reason for the overpayment. Attach the appropriate Continuation Page (NA 274 B, C, D, E or F) to show the overpayment computation. Attach the NA 275 to show the grant adjustment amount.

This message replaces M44-352C dated 01-01-98.

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-352.3, 44-352.4, 44-350.1

Use Form No. : NA 200  
Original Date : 02-01-96  
Revision Date : 11-01-11

MESSAGE:

As of (date), the County is changing your family's cash aid from \$\_\_\_\_\_ to \$\_\_\_\_\_.

Here's why:

\_\_\_\_\_ was the caretaker relative when the assistance unit was overpaid.

[ ] This person is no longer in your assistance unit. At this time we are stopping collection of the amount owed. If we can not collect from this person, we may start taking out the amount owed from your cash aid again.

[ ] The amount owed is being taken from your cash aid because the County can no longer collect from this person. The next page(s) shows the amount owed and what will be taken out of your cash aid.

Your new cash aid amount is figured on this page.

You do not have to use any Social Security or SSI benefits you get to repay this overpayment.

WARNING: If you think this overpayment is wrong, this is your last chance to ask for a hearing. The back of this page tells how. If you stay on aid, the County can collect an overpayment by lowering your monthly grant. If you go off aid before the overpayment is paid back, the County may take what you owe out of your state income tax refund or take other legal action to collect.

INSTRUCTIONS: Use to stop/start grant adjustment for an overpayment when the caretaker relative is no longer in the AU and either the overpayment can still be recouped from the caretaker relative, or can not be recouped from the caretaker relative. When 2nd checkbox marked, attach the appropriate continuation page (NA 274 B, C, D, E or F) and NA 275.

This message replaces M44-352D dated 01-01-98.

State of California  
Department of Social Services

Noa Msg Doc No.: M44-352G Page 1 of 1  
Action : Demand  
Issue: U/O Payment  
Title: Demand Overpayment

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-352.4, 44-350.1

Use Form No. : NA 290  
Original Date : 05-01-87  
Revision Date : 11-01-11

MESSAGE:

While you were aided, you were overpaid.  
Though you stopped getting cash aid, you  
still owe us for your overpayment.

Before your cash aid was stopped, you were  
paying back what you owe. The amount you  
still owe is \$\_\_\_\_\_.

The amount you owe is now due. You must pay  
back the money or show the County your plan  
for paying it back before (date). If you do  
not, the County may take what you owe out of  
your state income tax refund or take other  
legal action to collect.

If you pay by check or money order, send or  
bring it to:

If you pay with cash, pay in person and be  
sure to ask for a numbered receipt with the  
County's name on it.

You do not have to use any Social Security or  
SSI benefits you get to repay this  
overpayment.

WARNING: If you think this overpayment is  
wrong, this is your last chance to ask for a  
hearing. The back of this page tells how.  
If you do not repay this overpayment, the  
County may try to collect it from someone in  
your cash aid family group.

INSTRUCTIONS: Use to demand repayment of the balance of an overpayment that  
was being recouped when the case went off aid. Specify the balance owed, the  
deadline date for paying or submitting a plan for repayment, and the county  
address.

This message replaces M44-352G dated 01-01-98.