



SNAP 1503-1

CASE MANAGEMENT

Notice of Adverse Action

Supersedes: FS 1503-1 (06/01/2021)

Reference: 7 CFR 273.13; 7 CFR 273.10; 7 CFR 273.18

Overview: In most instances, the eligibility staff member must provide the household with a notice of adverse action when reducing or terminating benefits within the certification period. The two types of adverse action notices are timely and adequate.

NOTICE REQUIREMENTS:

All notices must be sent from CHIMES and include the following:

1. A statement of what action the OPA intends to take or has taken;
2. The reason(s) for the intended action;
3. The specific State and Federal regulations supporting such action; and
4. An explanation of the household's right to request a hearing, including:
 - a. How to obtain a fair hearing;
 - b. The right to representation at the hearing, including information on obtaining legal assistance;
 - c. The circumstances under which benefits are continued if a hearing is requested, including the claimant's liability for any benefits incorrectly provided while awaiting the hearing if the hearing officer's decision is adverse to the claimant; and,
 - d. The name and telephone number of the person to contact for additional information.

TIMELY NOTICE:

Timely notice must be mailed at least 10 calendar days before the effective date of action. All adverse action notices must be timely EXCEPT as indicated in the ADEQUATE NOTICE section below.

ADEQUATE NOTICE:

Adequate notice must be mailed no later than two working days after CHIMES cut off. CHIMES cut off is the fourth working day from the last calendar day of the month. Staggered SNAP issuance is not taken into consideration when determining adequate notice time frames.

Adequate notice can only be sent in place of timely notice when the following conditions are met:

1. The household reports information which results in decrease or termination of benefits; **and**,
2. The report is in writing and signed by a household member; **and**,
3. The OPA can determine the household's allotment or ineligibility based solely on the information provided by the household; **OR**
4. Adequate notice is sent when a household member is disqualified for an Intentional Program Violation (as determined by an administrative disqualification hearing or a court decision) and the benefits of the remaining members have been reduced or terminated to reflect the disqualification of the member. Adequate notice also applies when the household has signed the 'Waiver of Right to Disqualification Hearing.'
5. Adequate notice is sent when a Simplified Report form is received by the 8th of the month and verification is not received within 10 days or is received and results in case closure or decreased benefits.

NOTICE IS NOT REQUIRED:

Although it is a best practice to send a CHIMES notice for all adverse actions, a notice is not required in the following situations:

1. Benefit changes considered mass changes (SNAP 1501-2, numbers 1-5). **NOTE:** Adequate notice of benefit changes resulting from any other mass change must be sent (SNAP 1501-2, numbers 6-8). These changes include COLA increases for RSDI, SSI, TANF Cash, Tribal TANF, and GA. In addition, an adequate notice must be sent for mass changes caused by legislative or regulatory changes which effect eligibility and benefit criteria.
2. It is reliably determined that **all** household members have died. **NOTE:** When benefits are changed due to one household member dying, a notice is required.
3. It is reliably determined that a household moved out of state, (e.g., returned mail has out of state forwarding address), or collateral contact confirms a household applied for SNAP benefits in another state.
4. A household was receiving restoration of lost benefits, and the restoration is complete. The household was previously notified in writing of the date the increased allotment would terminate.
5. The household was notified **in writing** at the time of certification (application or recertification) that the allotment would vary from month to month during the certification period to reflect changes anticipated at the time of certification. **NOTE:** This written notice must state exact allotment amount for each month. If an exact allotment cannot be determined at certification, a separate notice must be mailed when a determination is made.
6. If the application is a joint TANF/SNAP application, the household was notified in writing at the time of certification that SNAP benefits are reduced upon receipt of a TANF grant.
7. When expedited benefits were provided to a household for whom verification was postponed. The household must have received written notice that the receipt of benefits beyond the expedited period is contingent on its providing the postponed verification.

8. A Drug and Alcohol/CMHC facility lost its certification from the Department of Public Health and Human Services or its status as an authorized representative is suspended by Food and Nutrition Services disqualifying it as a retailer. However, residents of group living arrangements applying on their own behalf are still eligible to participate.
9. The household requests in writing its benefits be terminated. However, if the request is verbal, a notice confirming the voluntary termination must be sent to the household.

Effective Date: December 12, 2022