

Department of Social and Health Services

Olympia, Washington

EAZ Manual

Revision # 778
Category Benefit Errors – Alien Sponsor Overpayments
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Summary

The WAC Manual (WAC 388-410-0035) and EAZ Manual (Benefit Errors – Alien Sponsor Overpayments) are updated to amend rules covering collection of Basic Food (SNAP) and cash assistance overpayments from alien and alien sponsors. The rule changes remove alien sponsor responsibility for food assistance overpayments received by aliens they have sponsored.

The changes also reflect current Office of Financial Recovery (OFR) procedures for collection of cash assistance overpayments from sponsored alien AUs. OFR routinely collects from both the sponsor and the sponsored alien at the same time until the debt is paid if CSD determines both are responsible for the overpayment. OFR does not determine or consider good cause. The sponsor would need to prove to an administrative law judge in a hearing they had just cause for providing incorrect or false information that led to the overpayment.

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WAC 388-410-0035 Are alien and alien sponsors jointly responsible for cash((,)) and food assistance overpayments((+))? (1) ((A)) The following applies to cash assistance overpayments:

(a) When a cash overpayment to a sponsored alien results from incorrect information provided by the alien's sponsor, both the alien and their sponsor are jointly and individually liable for ((any)) the cash assistance overpayment ((of cash or food assistance)) made to the sponsored alien during the three years after the alien's entry into the United States.

~~((2) When an overpayment to a sponsored alien results from incorrect information provided by the alien's sponsor, both the alien and the sponsor are liable for repayment.~~

~~(3) When the alien's sponsor had good cause for reporting the incorrect information, the sponsored alien is solely liable for an inadvertent household error overpayment.~~

~~(4) When good cause does not exist, collection action is initiated against:~~

~~(a) The alien's sponsor; or~~

~~(b) The sponsored alien's assistance unit; or~~

~~(c) Of the two, the one considered most likely to repay first.~~

~~(5) Collection action is initiated against an alien's sponsor for an inadvertent household error when:~~

~~(a) A department representative contacts the sponsor in person or by phone; and~~

~~(b) The sponsor is informed in writing there will be no responsibility for repayment if good cause for reporting incorrect information causing the overpayment can be demonstrated.~~

~~(6)) (b) Collection action is initiated against the sponsored alien's cash assistance unit for an inadvertent household error when:~~

~~((a)) (i) Collection action is taken first against the alien's sponsor; and~~

~~((b)) (ii) The alien's sponsor does not respond within thirty days; or~~

~~((c)) (iii) The sponsored alien provides incorrect information concerning the sponsor or sponsor's spouse through misunderstanding or unintended error.~~

(2) The following applies to food assistance overpayments:

(a) Responsibility for food assistance overpayments under WAC 388-410-0025 also apply to sponsored alien assistance units.

(b) A sponsored alien is individually liable for any food assistance overpayments made to the sponsored alien. The alien's sponsor cannot be held liable for food assistance overpayments.