



## Ohio Administrative Code

### Rule 5101:4-8-30.1 Food assistance: review of a claim pending a treasury offset program referral.

Effective: March 1, 2020

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In accordance with rule 5101:4-8-30 of the Administrative Code, an individual financially responsible (debtor) for a supplemental nutrition assistance program (SNAP) claim that disagrees with a referral to the treasury offset program (TOP) may request a review by the Ohio department of job and family services (ODJFS), office of fiscal and monitoring services, bureau of program integrity (BPI), and then by the United States department of agriculture (USDA) food and nutrition service (FNS).

(A) What are the responsibilities of BPI when a written review request concerning the referral of the debt to the TOP is received?

BPI shall:

- (1) Conduct a review on all requests received within sixty days of the mailing date of the notice issued in accordance with paragraph (D) of rule 5101:4-8-30 of the Administrative Code. BPI will not conduct a review on requests received later than sixty days after the mailing date of the notice.
- (2) Not refer a claim for offset while the claim is under review.
- (3) Verify the debtor's social security number.
- (4) Verify that when someone other than the debtor makes a written request for review on behalf of the debtor, the request includes a statement signed by the debtor, authorizing the person to represent the debtor.
- (5) For written review requests issue a written notice to the debtor within thirty days of receipt of the written request for review, when it is determined that the claim is legally enforceable and past-due. The notice includes:



(a) A statement that the claim will be referred to the TOP unless the debtor makes an acceptable repayment arrangement on the claim in accordance with paragraph (E) of rule 5101:4-8-30 of the Administrative Code; and

(b) Instructions and time limits to request a review by FNS of the BPI determination. The request for an FNS review is to be received by the USDA FNS midwest regional office within thirty days from the mailing date of the notice.

(6) For written review requests issue a written notice to the debtor within thirty days of the receipt of the written request for review, when it is determined that the claim is not legally enforceable and/or past-due. This notice includes:

(a) A statement that the claim will not be referred to offset; and

(b) A statement that the county agency or BPI may take action necessary to establish and/or recover the claim.

(7) Cancel the referral in accordance with rule 5101:4-8-30 of the Administrative Code, when a determination is made that a claim is not legally enforceable and past-due.

(8) Issue a copy of the written notice(s) sent to the debtor to the county agency.

(B) When an FNS review of the BPI determination has been requested, who does FNS notify of their determination?

FNS notifies BPI and the debtor of its determination. BPI will then notify the applicable county agency of the FNS determination.

(1) When FNS determines that BPI correctly determined the claim to be past due and legally enforceable, FNS notifies the debtor that any further appeal is to be made through the courts and the referral to the TOP will proceed.

(2) When FNS determines that BPI incorrectly determined the claim to be past due and legally



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enforceable, FNS notifies BPI about any corrective action that is to be taken with respect to the claim.