



MFIP, GA, MSA and SNAP Overpayments

What is an overpayment?

An “overpayment” is when the county agency says you got more benefits than you should have. An overpayment can happen if you don’t report income or other information to your worker in the right way, or at the right time. The county agency can usually make you pay back an overpayment that happened because you didn’t report properly.

An overpayment can also happen when the county agency makes a mistake in figuring out your benefits. For SNAP, even if an overpayment is not your fault, the law gives the county agency the right to get the overpaid amount back from you.

But for MFIP, GA, and MSA, the law says you only have to pay back an overpayment caused by the county agency’s mistake if you got so much more money than you should have that it is clear there was a mistake.

The overpayment notice you get in the mail might be confusing. Call your legal aid office if you have questions about whether you have to pay back an overpayment that wasn’t your fault.



If you don’t understand how the county agency figured out the amount of the overpayment, call your financial worker and get a written “accounting.” An accounting shows the amount of money that you owe for each overpaid month, and which months those were.

If your financial worker is not helpful when you call, talk to your worker’s supervisor to ask for a more detailed accounting. If you were overpaid SNAP (food support) benefits, you can get an accounting for that overpayment by calling the Federal Treasury Offset Program at 1(800) 662-2694.

How can I appeal an overpayment?

If you do not think that you were overpaid, you don’t agree with the amount they say you owe, or you don’t think you should have to pay the benefits back you have the right to file an appeal. Your appeal has to be in writing.

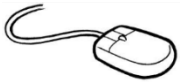
For MFIP, GA and MSA overpayments, you have **30 days** from the date you got the **first** overpayment notice to appeal. If you appeal an MFIP, GA or MSA overpayment after 30 days but within 90 days, you must prove that you had a good reason for being late.

For SNAP overpayments, you have **90 days** from the date you got the **first** overpayment notice to appeal.

Be careful not to miss your appeal deadline while you are waiting for an accounting.

You can [fill out and submit an appeal letter](#) online.

Go to: www.LawHelpMN.org/resource/form-helper.



→ Click on “Government Benefits”

→ then on “Appeal a Decision for Denied, Reduced or Cut Off Benefits.”

If you don't want to do it online, write a letter saying what you think is wrong about the overpayment claim. Put your case number and date on the letter. Keep a copy for yourself.

Send the letter to: MN Department of Human Services
Appeals Office
PO Box 64941
St. Paul, MN 55164-0941

OR you can fax the letter. The fax number at the State Appeals Office is (651) 431-7523. Keep the fax confirmation sheet.

It is a good idea to mail or fax a copy of your appeal to your financial worker too.

What happens if I don't appeal?

If you don't appeal the overpayment (or if it is past the deadline to appeal) the overpayment becomes a judgment against you. This means that the state can get the money back from you. They do this one of 3 ways:

- If you get MFIP, GA or MSA, or SNAP, the state can take a small part of your monthly grant to repay the overpayment. This is called “recoupment.”
- If you are not currently getting MFIP, GA or MSA, or SNAP, you can make a payment plan and repay some of the overpayment each month.
- Sometimes, the state can use a process called “revenue recapture” to take your tax refunds, rebates, and lottery winnings to repay overpayments. See our fact sheet [When They Keep Your Tax Refund](#).



The state does not normally take money out of a person's paycheck (garnishing), but they can if they decide they need to. If the state wants to do this, they have to send you information on your rights and exemptions under garnishment. See our fact sheet [Garnishment and Your Rights](#).

Could I lose my benefits?

In some overpayment cases, the county agency might try to keep the person from getting benefits again. This is called an “administrative disqualification.” See our fact sheet [Welfare Fraud Hearings](#).

To keep you from getting benefits, they have to prove in a hearing that you cheated the benefit program on purpose. The county agency may ask you to sign a waiver to give up your right to a hearing and accept the disqualification. If you do sign, you can change your mind later and ask for a hearing. BUT, only if you ask in writing **and** the county agency gets your request before:

1. the disqualification starts or
 2. within 30 days of the date you signed the waiver
- whichever is earlier.



Think carefully before you decide whether or not to sign a waiver.

Because the county agency is trying to prove that you cheated, do not talk to a fraud worker about the case. They can use anything you say against you, so it is better if you do not talk with them. If a fraud worker comes out to your home, do not let them in. You do not have to talk with your financial worker about the overpayment either.

The County agency may file criminal fraud charges against you if they think you cheated. Legal Aid does not handle criminal law matters. You need to talk to a criminal lawyer if you are criminally charged with welfare fraud.

In Hennepin County, call the Legal Rights Center at (612) 337-0030 or the Hennepin County Public Defender at (612) 348-7530. In other counties, call the public defender or ask for one in court.

Find more fact sheets at www.lawhelpmn.org/LASMfactsheets

Find your local legal aid office at www.lawhelpmn.org/resource/legal-aid-offices

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

© 2018 Minnesota Legal Services Coalition. This document may be reproduced and used for non-commercial personal and educational purposes only. All other rights reserved. This notice must remain on all copies. Reproduction, distribution, and use for commercial purposes are strictly prohibited.