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Nebraska Appleseed Secures Due Process Rights for Food Stamp Families

Nebraska Appleseed secured another victory for low-income Nebraska families. The Nebraska Department of Health and Human Services has agreed to revise a food stamp notice to clarify the rights of families participating in the program. This was in response to a demand letter sent by Nebraska Appleseed challenging the current notice practices used by the Department when a family received an overpayment of food stamp benefits caused by caseworker error. The Constitutional right to due process requires that families receive adequate notice when the Department is going to terminate, reduce, or collect overpayments of food stamp benefits. Notices being sent by the Department failed to inform families of their right to request that the Department waive or reduce overpayments of food stamps benefits caused by caseworker errors.

Under the food stamp program, any overpayment of benefits must be collected, even if the cause of the overpayment was solely caseworker error. In these cases, families are sometimes asked to repay thousands of dollars and in many cases they simply don't have the resources to do it. If families are unable to pay the claim, the Department can seek to collect the overpayment by garnishing wages or seizing portions of a family's federal tax return. The federal government has given the Department authority to settle these claims if a request is made by the family, and when collecting would create a hardship. Nebraska's notice failed to inform families of their right to request a settlement.

"We are pleased that the Department was willing to come to the table and make this important change. Most of the families that end up with an overpayment of food stamps are living just at or below the poverty level. In many cases repaying thousands of dollars is not a reality," said Becky Gould, Interim Executive Director. "Prior to this change, families were simply not told of their right to request a settlement. The Department's agreement to make a change ensures that food stamp families will receive due process."

This agreement is another in a series of successful negotiations between the Department and Nebraska Appleseed to protect the rights and better serve low-income families in Nebraska.

For more information on Nebraska Appleseed's work on food stamp issues and to view the demand letter and response please visit <http://www.neappleseed.org>.

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