



General Information System (GIS) Message

Section 1

Transmittal:	24DC057 Upstate and New York City
Date:	September 6, 2024
To:	Subscribers
Suggested Distribution:	SNAP Directors; TA Directors; CAP Coordinators; Staff Development Coordinators; TOP Coordinators
From:	Valerie Figueroa, Deputy Commissioner, Employment and Income Support Programs
Subject:	Termination or Compromise of Established Pandemic Related Supplemental Nutrition Assistance Program (SNAP) Overpayment Claims
Effective Date:	Immediately
Contact Information:	SNAP Policy Bureau at 518-473-1469 or SNAPbureau@otda.ny.gov
Attachments:	None

Section 2

Background

The purpose of this GIS is to advise social services districts (districts) of an administrative flexibility that allows for the termination or compromise of certain SNAP overissuances already established during the pandemic.

As previously noted in [24DC017](#): *Waiver of Pandemic Related Supplemental Nutrition Assistance Program (SNAP) Overpayment Claims*, as a result of the challenges presented throughout the COVID-19 Public Health Emergency, OTDA received approval from the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) to waive the establishment of certain SNAP overissuances pursuant to 7 CFR 272.3(c)(1). OTDA requested this authority to help ease the administrative burden on districts and alleviate additional financial hardship on households impacted by the Public Health Emergency (PHE). That waiver will also facilitate the transition back to regular SNAP operations by allowing districts to rebalance priorities.

Building upon this waiver flexibility, OTDA notified USDA, and provided its amended State Claims Management Plan (CMP) which would allow districts to terminate or write off claims for closed cases, and compromise claims due to financial hardship for open cases when such claims have resulted from pandemic related overissuances and have already been established.

Consistent with 7 CFR 273.18(e)(8) districts may **terminate** or write off claims resulting from pandemic related overissuances that have already been established on **closed** cases. A terminated claim is a claim for which all collection action has stopped. A written-off claim is a claim that is no longer subject to our reporting and collection requirements.

Additionally, consistent with 7 CFR 273.18(e)(7) districts may **compromise** claims resulting from pandemic related overissuances that have already been established on **open** cases when a district determines that due to financial hardship the household's economic circumstances dictate that the claim will not be paid in three years.

Program Implications

Districts may **terminate** claims that have been established on **closed** cases and **compromise** claims that have been established on **open** cases resulting from pandemic related overissuances that occurred from March 1, 2020, through September 30, 2023. A pandemic related overissuance is a SNAP overpayment that:

- occurred during the Public Health Emergency (PHE) from March 13, 2020, through September 30, 2023;
- was the result of either an Inadvertent Household Error (IHE) or an Agency Error (AE); and
- was not related to an Intentional Program Violation (IPV) or discovered in a Quality Control (QC) review.

Note that an IHE that has been established as part of the process leading to the adjudication of a potential IPV should **not** be terminated or compromised but should remain until such time as an appropriate determination has been made, either by a court of law or by any other applicable administrative proceeding, that an IPV has occurred. If it is determined that an IPV has not occurred, then the corresponding IHE previously established as part of the preliminary IPV process can either be terminated or compromised as appropriate based on case status at that time.

Required Action

Beginning immediately, districts may terminate established claims on closed cases and compromise claims on open cases for pandemic-related SNAP overpayments that occurred between March 1, 2020, and September 30, 2023, unless the overpayment is related to a properly adjudicated IPV or discovered in a QC review.