

08 Change Notice Requirements - Overview

REVISION 04
(04/01/08 - 06/30/08)

When there is a change in benefits send the **PI** a change notice explaining the results of the determination made on the change.

NA EXCEPTION

In certain situations, no notice is required. (See [Changes Requiring No Notice](#))

Change notice types are outlined as follows:

- [Adequate Change Notice](#)
- [Advance Notice of Adverse Action \(NOAA\)](#)

When a change reported by the participant results in no change to benefits, send the [C705 notice](#).

Do not send the C705 notice when benefits remain the same as a result of action taken on any of the following:

- An AZTECS generated alert.
- A change that was not reported by the participant.

For contents of decision notices, see [Notice Content](#).

A Adequate Notice

REVISION 49
(01/01/21 - 12/31/21)

An adequate notice is a notice of adverse action which is sent to the budgetary unit before benefits are affected. The notice must be mailed before the effective date of the action.

The date for CA can be located by using the Last Day to Close CA SA listed on the [AZTECS Monthly Production Schedule \(AMPS\)](#).

For NA, adequate notice applies in the following situations:

- When the participant fails to respond to the second [Mid Approval Contact Form \(X027\)](#) notice. The adequate notice must be received by the participant prior to the participant's [NA issuance date](#).
- When a participant verbally requests to stop benefits. (See [NA](#)

[Voluntary Withdrawal – Verbal Request](#)

NOTE For all other NA notice requirements, see [no notice](#) and [NOAA](#).

For CA, send an adequate notice when either of the following occurs:

- Benefits increase
- Adverse action is taken for any of the following reasons:
 - FAA has verified information (a death certificate or vital records) confirming the death of a participant.
 - The participant provides information and signs a statement of understanding that the information provided may result in closure or a decrease in benefits.
 - The participant's whereabouts are unknown. FAA received [returned mail](#) indicating no known forwarding address.
 - FAA verifies that a participant has been determined eligible for CA in another state.
 - FAA has confirmed the death of the [CA payee](#) and no CA emergency payee is available.
 - The participant requested either in writing or verbally that their benefits be stopped. (See [CA Voluntary Withdrawal](#))
 - The participant has been admitted to a facility where their needs are being met. This includes, but is not limited to, the following:
 - Placement in skilled nursing care
 - Intermediate care (Extended care)
 - Incarceration
 - Long term hospitalization (Not expected to return home)(See [CA EBT Representative](#) and [TEOA Overview](#) when the [PI](#) is not in the home)
 - State or federal governments initiate changes that affect a significant portion of the entire caseload. (See [Mass Changes](#))
 - The [TPEP](#) benefit is withheld or the TPEP case closes because of noncompliance with Jobs. (See [TPEP Noncompliance](#))
 - A participant has been found to commit an [Intentional Program Violation](#).
 - A CA child is removed from the home as a result of a court

order or voluntarily placed in foster care by the child's legal guardian.

B Advance Notice of Adverse Action

An advance notice of adverse action (NOAA) advises the budgetary unit that **FAA** intends to take action to decrease benefits or stop the benefits.

CA EXCEPTION

An NOAA is also required when a change in CA payee occurs.

FAA must send a ten-day NOAA to the **PI** when taking action to adversely affect benefits, unless listed in [Adequate Notice](#).

When action is due to a reported change, the notice must be issued within ten days of the date the change was reported.

EXCEPTION

Jobs staff send the NOAA when the participant fails to comply with Jobs requirements. (See [Jobs Noncompliance](#))

The ten-day NOAA must expire before the first day of the effective month of the decrease or termination.

Take the proposed action on the date the NOAA is completed on NORE. Make the action effective the first month possible after the ten-day notice of adverse action expires.

The last day to request the NOAA in **AZTECS** is the same for all programs. The NOAA date is in the [AZTECS Monthly Production Schedule](#) (AMPS).

NOAA is defined as follows:

- Day one of the ten days is the day after the NOAA is mailed.
- Day ten ends at close of business in the **FAA** office, on the tenth day.
- When the tenth day falls on a weekend or holiday, NOAA extends to the next [workday\(g\)](#).

The NOAA must inform the participant of the following:

- Action proposed by FAA
- Reason for the proposed action
- Effective date of the proposed action
- Name and telephone number of the FAA office to contact for additional information
- Telephone number for free legal representation
- Appeal rights

C No Change Notice Required (NA Only)

REVISION 09
(07/01/09 – 09/30/09)

Do not send a notice to the NA **PI** in the following situations:

- A move out of state by all participants.
- The death of all participants.
- [Expedited NA](#) with postponed verification.

The participant was advised on the decision notice at the time of the expedited approval of any required postponed verification.

Adjust the benefits when verification is provided. Close the case when mandatory verification is not provided. (See [Verification Cooperation](#)) Additional notices are not required.

- Approval of CA that decreases NA, when all of the following apply:

All the participants jointly apply for CA and NA.

The participants have been receiving NA pending the approval of CA.

The participants were notified at NA approval that NA benefits would be reduced upon approval of CA.

- A [mass change](#) was effected.
- The participants request in writing that their benefits be stopped. (See [NA Voluntary Withdrawal](#))

- Stopping NA benefits of residents of a drug and alcohol treatment center or a [group living arrangement](#) (GLA) when either of the following occur:
 - The facility loses its certification from the appropriate state agency.
 - The facility loses its status as a representative because it has been disqualified by the Food and Nutrition Service (FNS) as an NA retailer.
- The end of an increased payment to restore lost benefits. (See [Restored NA Benefits](#))
- The budgetary unit was previously notified in writing of the date an increased payment would stop.
- A benefit decrease or case closure because of a disqualification for [Intentional Program Violation](#).
- The budgetary unit was notified of the action to decrease or stop benefits by an administrative disqualification hearing or a court of appropriate jurisdiction who imposed the penalty.
- A benefit decrease because of imposing an automatic [recoupment](#) of a claim.