

D Notifying Participants of Actions Regarding Their Benefits



FAA has the responsibility to notify the participant of actions regarding their benefits unless policy permits no notification.

Policy

Notice is required for **all** of the following actions:

- Approval
- Change in Benefit
- Closure
- Denial

For the required content of each notice type, see [What Must be on the Notice](#).

Change in Benefit Notice Requirements

When there is a change in benefits, a notice must be sent to the participant unless the reason for the change is listed under No Notice Required for NA. The notice must be sent in time to provide either Notice of Adverse Action (NOAA) or Adequate Notice based on the situation. When the situation is not listed as a reason for Adequate Notice or No Notice Required for NA, NOAA must be provided.

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Adequate Notice

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

For NA, adequate notice is sent when **any** of the following situations apply:

- There is an NA benefit increase.
- When a participant verbally requests to stop benefits and unable to determine the reason for the request. (For additional information about stopping NA benefits, see [NA Voluntary Withdrawal](#).)
- When the participant fails to respond to the second Mid Approval Contact Form (X027) notice during the Mid Approval Contact (MAC) process.

NOTE For MAC, the notice must be received by the participant before the participant's NA issuance date. The notice is sent with the automatic MAC process to provide adequate notice.

For CA, adequate notice is sent when **any** of the following occurs:

- There is a CA benefit increase.
- FAA has received verification 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. (For additional information about stopping CA benefits, see [CA Voluntary Withdrawal](#).)
- The participant has been admitted to a facility where their needs are being met. This includes, and is not limited to, **all** of the following:
 - Placement in skilled nursing care
 - Intermediate care (Extended care)
 - Incarceration
 - Long term hospitalization (Not expected to return home)
- State or federal governments initiate changes (also known as mass changes) that affect a significant portion of the entire caseload.
- The TPEP benefit is withheld or the TPEP case closes because of noncompliance with Jobs.
- 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.

No Notice Required for NA

No notice is required for NA in **all** of the following situations:

- A move out of state by all participants.
- The death of all participants.
- Expedited NA with postponed verification.

NOTE The participant was advised on the NA decision notice at the time of the expedited approval that NA benefits will end when the listed postponed verification is not provided by the due date. No additional closure notice is required.

- Approval of CA that decreases NA, when **all** the following apply:
 - All the participants jointly apply for NA and CA.
 - The participants have been receiving NA pending the approval of CA.
 - The participant received a NA approval notice that NA benefits would be reduced when CA is approved.
- A mass change was affected.
- The participants request in writing that their benefits be stopped. (For additional information about stopping NA benefits, see [NA Voluntary Withdrawal](#).)
- Stopping NA benefits of residents of a drug and alcohol treatment center or a group living arrangement (GLA) when **any** 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 NA benefits.
- The budgetary unit was previously notified in writing of the date an increased payment would stop.
- When the Overpayment Unit receives notification from the Office of Accounts and Receivable (OARC) office that the participant has been disqualified for an Intentional Program Violation (IPV). For additional information, see [Administrative Disqualification Procedures](#).
- 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 decreases because of imposing an automatic recoupment of a claim.

Notice of Adverse Action (NOAA)

A Notice of Adverse Action (NOAA) must be sent to the participant when benefits are decreased or stopped, unless the reason for the action is listed in **one** of the following:

- [Adequate Notice](#)
- [No Notice Required](#)

For CA, a NOAA is required when a change in the CA payee occurs.

Intentional Program Violation (IPV) disqualification from another state. (See [IPV – electronic Disqualified Recipient System \(eDRS\)](#) for policies and procedures.)

FAA must send the NOAA so the participant receives the notice no later than 10 days before the first day of the effective month of the decrease or termination. The NOAA date is in the AZTECS Monthly Production Schedule (AMPS).

For an IPV disqualification, NOAA is not required when the Office of Accounts Receivable and Collections (OARC) has notified the participant of the disqualification. OARC sends copies of the disqualification letters to the Overpayment Unit. (See [Administrative Disqualifications Procedures - FAA Responsibilities](#) for policies and procedures.)

Change in Benefit Notice Requirements

The Change in Benefit notice must inform the participant of **all** of the following:

- Action proposed by FAA
- Reason for the proposed action
- Effective date of the proposed action
- The new benefit amount before an overpayment recoupment, when applicable
- Name and telephone number to contact for additional information
- Contact information for free legal help
- Appeal rights
- For budgetary unit changes, the names of eligible and ineligible participants
- When the change in benefits is due to a sanction, the notice must include **all** of the following:

Reason for the sanction

Effective date of the sanction

Benefit amount based on percentage of sanction

Name of contact person for information on how to comply

NOTE When a sanction is being ended, the notice must also contain the 100% benefit level amount and the effective date.

To see what content must be on other types of notices, see **all** of the following:

- [Approval Notice Requirements](#)
- [Closure Notice Requirements](#)
- [Denial Notice Requirements](#)

Procedures

Send the correct notice to help make sure that everything that must be on the notice is included.

For an NA adequate notice, determine the date by locating the NA Monthly Issuance Cycle in the AZTECS Monthly Production Schedule (AMPS).

For a CA adequate notice, the date can be located by using the Last Day to Close CA SA listed on the AMPS.

The information on the notice must be clear so as not to confuse the participant. Do not

include information on the notice that is incorrect. When a notice is unclear or includes incorrect information, the case will be cited a Quality Control (QC) Caper Error if reviewed. (For additional information about the QC process, see [Quality Control](#).)

AZTECS Keying Procedures

AZTECS suggests the appropriate notice on the NORE screen. However, when the procedure in the CNAP Manual identifies that a different notice must be sent, type over the notice number on NORE.

When the notices require keyed information, key accurate case information into the notice.

Legal Authorities

7 CFR 271.2

7 CFR 273.12(a)(4)

7 CFR 273.13

CFR 273.16

45 CFR 206

AAC R6-12-902.G

AAC R6-12-907.D

AAC R6-12-907

AAC R6-1206

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[Prior Policy](#)

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