

XXXXXXXXX COUNTY DSS
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

XX XXXX-XXXX

NOTICE OF INTENT TO SUBMIT DEBT TO U.S. TREASURY FOR OFFSET COLLECTION

RE: Amount of past due debt \$244.00
owed to: XXXXXXXXX COUNTY DSS

FIRST - NAME LAST - NAME
ADDR - LINE - 1
ADDR - LINE - 2
XXXXXXXXXX XX XXXXX-XXXX

Account/Case Number: FS - CASE - #

Social Security Number: SSN - TIN - #

Dear FIRST - NAME LAST - NAME

You have not paid the amount you owe to XXXXXXXXX COUNTY DSS . This debt is for an overissuance of food stamp benefits. If you do not pay your debt or take other action as described below before 60 days from the date of this letter, NC DIVISION OF SOCIAL SERVICES will submit your debt to the U.S. Department of Treasury for collection through the Treasury Offset Program (TOP). Pursuant to the Debt Collection Act of 1982 (DCA), as amended by the Debt Collection Improvement Act of 1996 (DCIA), and applicable Food Stamp Program regulations, we are authorized to add penalties, fees or other costs to your unpaid debt. Please note that the amount stated above is in addition to any other amount that may have already been previously submitted by us to the (U.S.) Treasury. This agency has previously mailed or otherwise delivered demand letters notifying you about the claim, including the right to a fair hearing on the claim, and has made any other required collection efforts.

Treasury Offset Program (TOP): Once your debt is submitted to the TOP, the U.S. Treasury will reduce or withhold any of your eligible Federal payments by the amount of your debt and may refer your debt to private collection contractors, the Department of Justice, or seek voluntary repayment. Collection of debts by U.S. Treasury is authorized by the DCA and DCIA. You may not receive another notice before your payment is offset. See types of Federal payments eligible for offset noted on Page 2 of this notice.

Before we submit your debt to the (U.S.) Treasury, we are required to tell you that you may (1) inspect and copy our records related to your debt; (2) request a review of our determination that you owe this debt; and (3) enter into an acceptable written repayment agreement. In addition, the attachment to this letter provides important information if you and your spouse file a joint Federal income tax return.

TO AVOID DEBT OFFSET BY THE TOP, you must do one of the following within 60 days of the date of this letter:

- **REPAY YOUR DEBT:** send a check or money order, payable to: XXXXXXXXX COUNTY DSS for the full amount that you owe, and mail it to the return address shown in the TOP left corner of this page.
- **AGREE TO REPAYMENT PLAN:** If you are unable to pay your debt in full, you must contact your county office: XXXXXXXXX COUNTY DSS at phone number (xxx) xxx-xxxx and agree to a repayment plan acceptable to us, and make payments required in the repayment plan.
- **REQUEST A REVIEW** if you believe the debt is not owed. If you believe that all or part of the debt is not past due or legally enforceable, you must send evidence to support your position to: XXXXXXXXX COUNTY DSS We will inform you of our decision about your debt.
- **BANKRUPTCY:** If you filed for bankruptcy and the automatic bankruptcy stay is in effect, you are not subject to offset or other collection actions while the stay is in effect. Please notify us of the stay by sending evidence concerning the bankruptcy.

If you make or provide any knowingly false or frivolous statement, representations, or evidence, you may be liable for penalties under the False Claims Act (31 U.S.C. 3729-3731), or other applicable statutes, and/or criminal penalties under 18 (U.S.C. 286-287-1001 and 1002, or applicable statutes).

Unless prohibited by law or contract, we will promptly refund to you any amounts paid you or deducted from your payment for your debt which are later waived or found not owed to the United States.

Please read all of second page, before calling your County DSS Office. The following page contains Attachment A, and more details about Federal Payments eligible for offset, and the conditions that determine this claim is eligible for offset.

If you have any questions about this letter or your rights, you should contact your County office immediately.

First Contact should be your County Office:

Numbers below are the State Div. of Social Services
In North Carolina: 1-800-662-7030
Outside of North Carolina: 1-800-543-0958

General Conditions required for the claim to be submitted to U.S. Treasury for offset:

In addition to you having an opportunity to request a fair hearing on the claim within 60 days of this notice, the claim is:

- Under 10 years old (unless it is covered by a court judgment);
- Equal to or exceeds the minimum amount established by U.S. Treasury;
- Not included under an automatic stay due to bankruptcy;
- Not currently under litigation; and
- Not currently being collected through allotment reduction or under a repayment plan approved by us.

Federal payments eligible for offset include:

- Your income tax refunds, including any earned income tax credit payment you may be due (See Attachment A for additional information);
- Up to 15% of Federal salary pay, including military pay (See Attachment A for additional information including how to request a waiver of this type of offset);
- Up to 25% of your Federal retirement;
- Your military retirement pay;
- Contractor/Vendor payments;
- Other Federal payments, including certain loans to you, that are not exempt from offset.

If you receive monthly Federal payments, you should know that the new law allows U.S. Treasury to withhold a limited amount of certain monthly Federal benefits, such as Social Security Retirement, Survivors and Disability benefits, Railroad Retirement (other than Tier 2) benefits, and Black Lung Part B benefits, to pay back the debt. You would be entitled to keep at least \$750 per month or \$9000 per year of your federal payments. U.S. Treasury policies finalized September 1998 limit withholding to an amount that is up to 15% of your benefit payment. If you receive Supplemental Security Income disability benefits (SSI) from the Social Security Administration, those benefits will not be withheld to pay back your debt.

Attachment A

IF YOU FILE A JOINT INCOME TAX RETURN: If you file a joint income tax return and your spouse was not a member of the food stamp household at the time the over-payment occurred, you should contact the Internal Revenue Service before filing your return regarding the steps to take to protect the share of the income tax refund which may be payable to your spouse, who is not a delinquent debtor to the U.S. Government.

IF YOU ARE A FEDERAL EMPLOYEE: Your current net disposable pay is subject to offset if you do not pay your debt or take other action described above. Under the TOP, the U.S. Treasury will deduct up to 15% of your disposable net pay beginning in the pay period that your debt is submitted for Federal salary or wage offset and continuing every pay period until your debt, plus fees, penalties or other charges are paid in full.

When you are identified through TOP as receiving a Federal salary or wage, you will be entitled to a hearing to dispute the existence or amount of the debt, or the amount of the payroll deduction. You will be provided information on where to file a written request for a hearing when you have been identified through TOP as receiving a Federal salary or wage.

The timely filing of a petition for hearing will stay the commencement of offset proceeding for Federal salary and wage offset; however, it will not stop offset of other types of Federal payments. A final decision on the hearing (if one is requested) will be issued no later than 60 days after filing of a petition requesting the hearing (unless extended by the hearing official).

As a federal employee, if you make or provide knowingly false or frivolous statements, representations, or evidence, in addition to other penalties, you may be subject to disciplinary actions.