

## Underpayments

If you think you did not receive the full amount you were owed, you have the right to file an appeal and request the benefits. The time periods to file an appeal are generally the same as appealing a denial or notice that your benefits will be stopped, but you should check with an attorney or the agency.

## Overpayments

Sometimes the agency may pay you too much. If the agency thinks they paid you too much, they will send you a letter telling you how much they overpaid you and why they overpaid you. You have the right to appeal the decision if you believe you were either not overpaid or not overpaid as much as the agency claims. Appeal deadlines vary depending on the agency. Your letter should tell you how long you have to appeal. If it does not, ask the agency or an attorney.

## Repayment of Overpayments

Sometimes an overpayment can be “waived” or “forgiven” if you can prove the overpayment was not your fault and that you do not have the money to pay back the agency. If you must repay the overpayment, you may be able to negotiate repayment terms.

Additional information may be found at:

**LawHelp.org/SC**

South Carolina’s guide to free legal resources

## Public Benefits Cases Accepted

Appeals for the following:

- Food Stamps
- Medicaid
- Medicare
- Social Security
- Supplemental Security Income
- TANF/FI
- Unemployment Compensation
- Veterans Benefits

## Other Legal Representation

- Consumer & Bankruptcy
- Education
- Employment
- Family
- Federal Income Tax
- Housing
- Migrant Farm Workers
- Probate

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*Balancing the Scales of Justice*

# PUBLIC BENEFITS & APPEALS



## Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

## For Free Services

1 (888) 346-5592

contactus@sclegal.org

www.sclegal.org / www.lawhelp.org/sc

www.probono.net/sc

www.lawhelp.org/sc/online-intake



## Public Benefit Programs

The following programs are available to assist the poor, elderly and disabled:

- Social Security/Supplement Security Income
- Family Independence (FI)/TANF
- Food Stamps
- Medicaid
- Unemployment



## Application Process

Public benefits are not automatically awarded. You must apply at these agencies:

- Social Security office—Social Security/SSI
- Local Social Services office—Food Stamps; Family Independence
- Department of Health and Human Services office—Medicaid
- Employment Security Commission—Unemployment

You must receive an answer about your application in writing. If turned down, you must be given the reason in writing.

## Appealing a Denied Application

- If application is denied, you have a right to appeal
- Appeal immediately upon receiving the written denial—the denial notice will explain how to appeal
- Consult an attorney
- Appeal time begins on the date of denial letter

## Appeals Time Limits- Appealing Terminations of Benefits

| Food Stamps | TANF/FI | Medicaid | SS/SSI  | Unemployment Benefits |
|-------------|---------|----------|---------|-----------------------|
| 90 Days     | 60 Days | 30 Days  | 60 Days | 10 Days               |

The agency that gives you your benefits must review your case. After review, the agency may close your case, if it finds you are no longer eligible. You have the right to appeal if the agency decides that you should no longer get benefits. You may want to continue receiving benefits while your appeal is pending. To keep getting your benefits during this time, you must appeal within 10 days and ask for your benefits to continue. In some cases, if you continue to receive benefits and the agency finds your benefits were properly cut off, you may have to pay back the benefits you received during the appeal.

## Make Sure You Can Prove You Filed the Appeal and Filed in Time

If you take your appeal to the agency, you should ask for a copy of the paperwork to be stamped received. If you send the appeal to the agency by mail, you should send it by certified mail, return receipt requested and keep a copy for yourself.

## Good Cause for Late Filing

Sometimes you can file an appeal late if you can prove you had “good cause” for being late. Some examples might be that you were in the hospital, your house burned, etc. Consult with an attorney if you believe you may have good cause for late filing.

## Periodic Reviews and Reporting Requirements

If you receive public benefits, your case will be reviewed by the agency at certain times to make sure that you are still eligible for the benefits. You must report any changes to your income, property, living situation, etc. within 10 days of the change. The rules are different for each program. If you are unsure if you need to report, ask. If you do not report in a timely manner, you could lose your benefits or be forced to pay back benefits you already received.