

## Have you received notice that you have been overpaid SNAP benefits?

You can appeal the overpayment of SNAP benefits if you believe that DSS is wrong. If you believe you have been overpaid, you may try to obtain a waiver or compromise of the overpayment amount by asking DSS to not collect or to allow you to pay a small portion of the total overpayment.

If you have not received any notice but DSS is recouping benefits out of your ongoing food stamp benefits, you may be able to appeal and/or request a compromise of the overpaid benefits. Talk with an attorney right away.

You should appeal by submitting a request for a fair hearing in writing to your local DSS office within ninety (90) days of the date of your benefit denial notice. You should always keep a copy of your appeal for your records.

## Other services provided with SNAP

You may qualify for the Federal Lifeline Assistance Program which provides a monthly discount on your land line telephone service or a free cell phone with 250 free minutes and 250 free text messages each month. This governmental benefit is supported by the federal Universal Service Fund and is available to consumers who have an income below 135% of poverty guidelines or participate in other governmental programs. To find out if you qualify for this program call 1-866-788-6565. You can also contact a land line or cell phone provider in your area.

Additional information may be found at:

**LawHelp.org/SC**  
South Carolina's guide to free legal resources

## Public Benefits Cases Accepted

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*

## Supplemental Nutrition Assistance Program (SNAP) And Your Rights (formerly the Food Stamps Program)



**Supplemental  
Nutrition  
Assistance  
Program**

## 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



## **What is the Supplemental Nutrition Assistance Program (SNAP) formerly Food Stamps?**

SNAP is the Federal Food Stamp Program. SNAP helps low-income people buy the food they need for good health. SNAP benefits are not cash. SNAP benefits are provided on an electronic card that is used like an ATM or bank card to buy food at most grocery stores and farmers markets.

### **Who can get SNAP benefits?**

A “household” can receive SNAP Benefits. A “household” is either one person or a group who buy and prepare their food together. There can be more than one “household” living in the same house.

If you live at a public or private non-profit shelter for homeless persons, you can still get SNAP.

Some students between the ages of 18 and 50 may be eligible for SNAP benefits.

A fixed address is **not** necessary!

### **Where to apply?**

- At the local Department of Social Services (DSS) office, or
- Print DSS forms (3800, 3800-a) at [www.dss.sc.gov](http://www.dss.sc.gov) and deliver, mail or fax the application to your local DSS office, or
- Apply on-line at [www.dss.sc.gov](http://www.dss.sc.gov), or
- Contact The Benefit Bank of South Carolina at [www.tbbsc.org](http://www.tbbsc.org) or 1.800.726.8774.

### **What are my rights if I ask for SNAP?**

You have the right to apply and to receive a decision on your application in writing. If you do not get a decision on your application in a reasonable time, you should contact DSS. Do NOT just file a new application.

## **What information will I need to provide?**

**You must give the following information:**

- The names, ages and SS# of all household members.
- Wage stubs and proof of all income for the last eight weeks (including child support).
- Proof of all resources (savings and checking accounts).
- Proof of home address. If you are homeless your application should still be processed.
- Proof of rent/mortgage, identity, disability, utility bills (gas, electric, water, phone), and child care expenses.
- Proof of medical expenses for individuals 60 or older.
- Proof of immigrant status (if applicable).

### **What if I am unable to get the documents DSS is requesting?**

If you are unable to get the documents requested, you can ask DSS to help you get them. Put your request for help in writing and keep a copy. DSS is required to help you.

### **What if I do not do what I am asked to do by DSS?**

If you are the head of the household and do not do as DSS asks, all members of household will lose your SNAP benefits for some length of time. If your family receives FI, then only the head of household will lose SNAP benefits. This is called a sanction. The sanction will increase depending on how many times you fail to cooperate.

## **Have you been denied SNAP benefits?**

If you apply for SNAP and DSS turns you down, you have 90 days to ask for a fair hearing. If you lose the fair hearing, you have 30 days to go to court. You have the right to see your file.

You can appeal by submitting a request for a fair hearing in writing to your local DSS office within 90 days of the date of your benefit denial notice. You should always keep a copy of your appeal for your records.

If you do not request a fair hearing in time, the DSS decision is final; however, you CAN file a new application at any time.

If you are turned down for SNAP benefits, you should call a lawyer right away.

### **What are my rights when I am getting SNAP?**

If DSS takes any action on your SNAP benefits (stopping them, giving you less, or saying they sent too much in SNAP benefits), you can ask for a fair hearing. You have 90 days to ask from the time DSS took action. If DSS does not do something for you after you ask them to, you can also ask for a fair hearing then. You can keep your SNAP benefits if you ask within 10 days for a fair hearing, but if you lose at the hearing, you will have to pay DSS back.

