

# DEPARTMENT OF HEALTH AND SOCIAL SERVICES

## DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Del.C. §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS)  
16 DE Admin. Code 9000

### PROPOSED

### PUBLIC NOTICE

#### Adjusting Food Benefit EBT Accounts

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) to amend adjusting food benefit EBT accounts.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on December 31, 2024. Please identify in the subject line: Adjusting Food Benefit EBT Accounts

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

#### SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM) to amend adjusting food benefit EBT accounts.

#### Statutory Authority

7 CFR 274.4(g)

#### Background

The Division of Social Services (DSS) is amending DSSM 9093.3 to include requirements for notifying households when adjustments are made to their Electronic Benefit Transfer (EBT) accounts for the Supplemental Nutrition Assistance Program (SNAP). DSS must notify households if a credit adjustment request to return food benefits is denied or a debit adjustment request to withdraw food benefits is approved. DSSM 9093.3 is also being amended to align with current federal regulations, clarify the text, and update the formatting.

#### Summary of Proposal

##### *Purpose*

The purpose of this proposed regulation is to amend Policy 9093.3 Adjusting Food Benefit EBT Accounts.

##### *Summary of Proposed Changes*

Effective for services provided on and after February 11, 2025, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM), Policy 9093.3 Adjusting Food Benefit EBT Accounts.

##### *Public Notice*

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on December 31, 2024.

#### Fiscal Impact

There is no fiscal impact due to this policy is already in place.

#### 9000 Food Stamp Program

#### 9093.3 Adjusting Food Benefit EBT Adjustments Accounts

Statutory Authority

7 CFR 274.2 274.2(g)

Food Benefit Electronic Benefit Transfer (EBT) accounts may be adjusted due to errors during benefit posting or redemption. The Division of Social Services (DSS) and the EBT contractor will only make authorized adjustments in accordance with this policy.

1. DSS may adjust benefits posted to household EBT accounts before the benefit availability date to correct errors that occurred during the posting process.

2. The Delaware's EBT contractor makes adjustments to may adjust EBT accounts to correct system errors. A system error is an error resulting from a malfunction at any point in errors that occurred during the redemption process, for example, errors made at the grocery store. Adjustments are initiated may be requested by the client or store retailer and may result in a debit or credit to the household credit or debit to the household's EBT account.

DHSS will emphasize to clients that they should review their transaction slips before leaving the store. If there is a mistake, the client should discuss the problem with the store clerk or manager before leaving the store. Problems discovered later must be resolved through the EBT contractor Customer Service Unit.

A. Client-Initiated Credit Adjustments

- i. An EBT A credit adjustment occurs when the EBT contractor returns benefits to a household's EBT account after the store deducted the benefits in error a transaction error is reported by the client or another party. For example, a household member uses an EBT card to purchase groceries. Due to a system error, the store credit adjustment may be issued to a household when a retailer debited the purchase amount same transaction twice from the household's EBT account twice.
- ii. The household has Households have 90 days from the date of the problem transaction error to contact the EBT contractor Customer Service at 1-800-526-9099 and inform the customer service representative that a problem has occurred. The household will need to tell the customer service representative the date, time and location of the transaction and the amount of food benefits that were debited in error to report the error and request a credit adjustment. If the error is reported after 90 days, no action is taken by the EBT contractor or DSS.
- iii. If the request is a legitimate request, the The EBT contractor will return the funds to the household's EBT account within has 10 business days from the date the household filed the report with the reported the transaction error to EBT contractor Customer Service Unit. A business day is any calendar day other than a Saturday, a Sunday or a federal holiday. to:
  - a. Investigate and verify the transaction error;
  - b. Make a determination on the adjustment request; and
  - c. Credit the household's EBT account if the adjustment request is approved.
- iv. If the household's adjustment request is not legitimate, the EBT contractor will deny the credit adjustment denied, DSS will send an adjustment denial notice advising the household of the denial and their right to a fair hearing.
  - a. DSS will send the adjustment denial notice by the 10th business day from the date the error was reported.
  - b. The household may has 90 days from the date of the notice to request a fair hearing.
  - c. The household is not entitled to a provisional credit before the fair hearing.
  - d. The EBT contractor will take no action to credit the household's EBT account unless the only if the fair hearing decision is in the household's favor.

B. Retailer-Initiated Debit Adjustments

- i. A retailer-initiated debit adjustment occurs when the retailer does not receive a credit for an EBT purchase amount when the household made the purchase. The store needs the adjustment to get credit for the purchase made by the household the EBT contractor withdraws benefits from a household's EBT account after a transaction error is reported by a retailer or another party. For example, a household uses the EBT card to purchase \$200 worth of groceries. The credit to the store's account does not go through and the \$200 remains in the household's account debit adjustment may take place when a household makes a purchase, but the retailer's account is not credited correctly for the transaction.

- ii. If the retailer does not report the transaction error or the EBT contractor cannot verify the transaction error by the 10th business day from the date the error occurred, the adjustment request must be denied.
- iii. DHSS must act upon all adjustments to debit a household's account no later than 10 business days from the date the error occurred, by placing a hold on the adjusted amount in the household's account. The EBT contractor has 10 business days from the date the transaction error occurred to:
  - a. Investigate and verify the transaction error; and
  - b. Make a determination on the adjustment request by:
    - 1. Approving the request and placing a hold on the household's EBT account for the debit amount; or
    - 2. Denying the request.
- iv. The EBT contractor may place a hold on the household's current EBT account balance and the next month's benefits only.
  - a. If there are insufficient benefits in the household's EBT account to cover the entire adjustment, DHSS the EBT contractor will place a hold on any the remaining account balance that exists and the whole amount will be debited from the household's account when the next month's benefits become available.
  - b. If sufficient funds do not become available by the end of the next month, the adjustment request must be denied and the household's EBT account will not be debited.
- v. DHSS will send an adequate notice as defined in DSSM 9094 to the household informing it of the account adjustment. If the retailer's adjustment request is approved, DSS will send an adjustment notice advising the household of the error transaction, debit amount, adjustment hold process, and their right to a fair hearing.
  - a. DSS will send the adjustment notice by the next business day after the hold is placed on the household's EBT account.
  - b. The household has 90 days from the date of the notice to request a fair hearing.
  - c. If the household disputes the adjustment and requests a fair hearing within 10 days of the notice, DHSS will make a provisional credit to the household's account by releasing the EBT contractor will release the hold on the adjustment balance household's EBT account within 48 hours of the fair hearing request by the household, pending resolution of the fair hearing. The EBT account will not be debited pending a fair hearing decision.
  - d. If the household does not request for a fair hearing within 10 days of the notice, DHSS the EBT contractor will release the hold on the adjustment balance, debit the adjustment amount from the household's EBT account and credit this amount to the retailer's account the retailer. The EBT contractor will reverse the debit adjustment only if the fair hearing decision is in the household's favor.

15 DE Reg. 1030 (01/01/12)  
28 DE Reg. 431 (12/01/24) (Prop.)