



SNAP 1505-1 CASE MANAGEMENT Intentional Program Violation

Supersedes: FS 1505-1 (10/01/2010)

Reference: 7 CFR 273.16

Overview: After an error has been determined to not be an inadvertent household error (SNAP 1504-1), the Intentional Program Violation (IPV) unit will conduct Administrative Disqualification Hearings (ADH) in cases where facts of the individual case do not warrant criminal prosecution through the courts.

Fraud prevention begins with careful explanation of appropriate policy and regulations to the applicant or participant and an explanation of how these policies relate to the individual participant.

Areas in which recipient fraud most often occur are:

1. Unreported or misrepresented income;
2. Unreported or misrepresented household composition;
3. Unreported excess property or resources; and,
4. Duplicate cases in which a recipient receives benefits from more than one county or state at the same time.

Be particularly wary of inconsistencies in documentation or interview information in these areas.

INTENTIONAL PROGRAM VIOLATION/DISQUALIFICATION:

An applicant/participant is in violation of program rules if he/she:

1. Makes a false or misleading statement;
2. Misrepresents, conceals or withholds facts; or,
3. Commits any act that constitutes a violation of the Food Stamp Act or Regulations or any State Statute relating to the use, presentation, transfer, acquisition, receipt, or possession of SNAP benefits.

NOTE: The Office of Public Assistance (OPA) is obligated to refer any case of alleged IPV to the IPV unit for investigation, regardless of whether the household actually received benefits. An IPV may be pursued any time a household commits an act as outlined above.

A caller wanting to report fraud can call (406)444-2979 or 1-800-201-6308.

IDENTIFICATION OF INTENT:

When an individual makes an application for assistance, he/she attests to the truth, accuracy and completeness of the information provided and declares he/she understands the penalty for providing false information or misrepresenting his/her circumstances. The applicant is informed of the responsibility to report changes in the household's circumstances according to the household's reporting requirements verbally by the eligibility staff member, by signing the 'Rights and Responsibilities form' and in the Notice of Eligibility. The eligibility staff member will case note the way the individual was informed. The individual is bound by this declaration throughout the eligibility period. Program information such as eligibility requirements and penalties for failing to comply and the individual's rights and responsibilities are reviewed at each eligibility recertification.

As the eligibility staff member processes the application for ongoing benefits (acting on changes, etc.) if he or she discovers the current or reported information to be false, misleading, or not previously revealed, the individual is alleged to have intentionally violated program rules. More than one adult household member may be involved and can be subsequently found to have committed an IPV and be disqualified.

DISQUALIFICATION:

Disqualify the following individuals:

1. Those determined at an ADH to have committed the IPV;
2. Those who signed the waiver of the right to an ADH; and,
3. Those who signed the consent agreement in cases referred for prosecution.

NOTE: Adult household members who were not required to sign the application can be disqualified for an IPV.

DISQUALIFICATION PERIOD:

IPV unit completes the 'Action Taken on Your Waiver/Administrative Disqualification Hearing or By a Court of Law' form. The form lists the beginning and ending dates for the disqualification. IPV unit sends a copy of the form to the disqualified member(s) of the household and sends a copy of the completed form to the eligibility staff member via an email attachment. Upon receipt of the form, the eligibility staff member must take the appropriate action on the case and must send the household the appropriate notice(s) allowing for adequate notice of closure or decreased benefits. The form is filed in the household's case file.

Once a disqualification period is imposed, it continues uninterrupted until completed, regardless of the disqualified individual's eligibility. Disqualification penalties will be imposed as if all disqualified individuals are eligible to participate at the time of the IPV determination even if the case is currently closed. He/she shall be disqualified for:

1. Twelve consecutive months for the first violation;
2. Twenty-four consecutive months for the second violation;
3. Permanently for the third violation;

4. Ten consecutive years for the first and second occurrence of misrepresenting residence or identity in an attempt to obtain benefits in more than one state or in more than one household within the state; permanently for the third occurrence; or,
5. A court-ordered period due to Department of Justice prosecution. The following are federally mandated periods for fraud:
 - a. Individuals found guilty in Federal, State or local court of trading benefits for controlled substances or vice versa would be ineligible to participate for 24 months for the first offense and permanently for the second offense.
 - b. Individuals found guilty in Federal, State or local court of being involved in the sale or trade of firearms, ammunition or explosives for benefits, or vice versa will be permanently disqualified.
 - c. Individuals convicted of trafficking SNAP benefits of \$500 or more will be permanently disqualified.

NOTE: Multiple violations may be pursued and imposed from a single investigation. Disqualification periods will run concurrently not consecutively. However, a claim must be established on all overpayments for each affected month regardless if an IPV is imposed.

NOTE: When a disqualification is not served and is later discovered, only the remaining sanction can be imposed. An overpayment must be established for those months that SNAP benefits were received when the household was not entitled.

Effective Date: August 31, 2019