



TANF 1505-1 Intentional Program Violation/Fraud

Supersedes: TANF 1505-1 (01/01/2018)

Reference: ARM 37.78.505

Overview: An applicant/client is in violation of program rules if he/she makes false or misleading statements, conceals information, or withholds facts for eligibility purposes. Benefits do not have to be actually received to constitute an Intentional Program Violation (IPV). The attempt to receive benefits fraudulently is sufficient to make an IPV referral.

An applicant/client found to have committed an IPV by the Administrative Disqualification Hearing (ADH) process or who has signed the Waiver of Right to Disqualification Hearing will be ineligible for TANF cash assistance (disqualified) for a specified time period depending on the number of times he/she has been found to have committed an IPV.

An out-of-state disqualification is not recognized in Montana unless the violation was for misrepresenting residence to receive benefits in two or more states at the same time.

IPV INVESTIGATION REFERRAL:

When a potential IPV is discovered, the case is referred to the IPV unit for investigation and processing.

DISQUALIFICATION IMPOSED:

A disqualification period will be imposed when:

1. The individual has signed the Waiver of Right to a Disqualification Hearing; or
2. A Hearings Officer has determined that an IPV has been committed; or
3. A court of law has set a disqualification period; and
4. The individual has been provided written notice that the disqualification penalty will be imposed.
 - a. Timely notice is waived for this notice.

DISQUALIFICATION PERIOD:

A disqualification period begins the first of the month following the month the client is notified and is imposed on each individual who is found to have committed an IPV. The disqualification period continues uninterrupted until completed regardless of the disqualified individual's eligibility.

Disqualification periods are as follows:

1. 1st violation – 12-consecutive months.
2. 2nd violation – 24-consecutive months.
3. 3rd violation – permanently.

Additionally, individuals may be subject to the following disqualification periods:

1. Ten (10) consecutive years for misrepresenting residence to obtain benefits in more than one state; or
2. A court ordered period of time.

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.

OVER-PAYMENT PENALTY:

Overpayments due to a fraudulent action by a filing unit member must be repaid in full and will include a penalty. The overpayment amount is equal to entire assistance amount which the assistance unit was not entitled and an additional 25% penalty.

ADH APPEALS:

The IPV determination made by the Hearings Officer cannot be reversed by a subsequent Fair Hearing decision. To appeal the decision, the individual must go through the Board of Public Assistance Appeals.

Effective Date: November 1, 2019