

ALASKA TEMPORARY ASSISTANCE MANUAL

CHAPTER CONTENTS

Section		Page
793	FRAUD.....	WW-1
793-1	INFORMING APPLICANTS ABOUT FRAUD DISQUALIFICATIONS...	WW-1
793-2	FRAUD REFERRALS	WW-2
793-3	ADMINISTRATIVE DISQUALIFICATION HEARING.....	WW-2
793-4	DISQUALIFICATION FOR INTENTIONAL PROGRAM VIOLATION... WW-3	
	A. GOOD CAUSE FOR IPV.....	WW-3
	B. REDUCTION OF ASSISTANCE FOR IPV DISQUALIFICATION	WW-3
	C. LENGTH OF IPV DISQUALIFICATION	WW-3
	D. IMPOSING AN IPV DISQUALIFICATION PENALTY	WW-4
	E. THE IPV DISQUALIFICATION PERIOD	WW-5
793-5	OTHER IPV DISQUALIFICATION INFORMATION	WW-5
	A. DISQUALIFICATIONS FROM OTHER STATES OR NFAP.....	WW-5
	B. CHANGES IN HOUSEHOLD COMPOSITION.....	WW-5
793-6	EIS INFORMATION.....	WW-6

ALASKA TEMPORARY ASSISTANCE MANUAL

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ALASKA TEMPORARY ASSISTANCE MANUAL

793

FRAUD

Individuals who commit fraud or an intentional program violation are disqualified from the Temporary Assistance program and their family's assistance amount is reduced.

Fraud is an intentional action, inaction, or statement made by an individual for the purposes of obtaining benefits to which he or she is not entitled.

An **intentional program violation** is an action taken by an individual that intentionally misrepresents, conceals, or withholds a material fact for the purpose of establishing or maintaining a family's eligibility for Temporary Assistance benefits or for increasing or preventing a reduction in the amount of the family's benefit. Public assistance fraud is frequently referred to as an intentional program violation (IPV). An IPV may occur with or without a dollar loss. An IPV includes:

- Making a false or misleading statement to the agency, either orally or in writing;
- Concealing information; and
- Failing to report, as required, changes in income, resources, or any other factors of eligibility.

An IPV may result from intentionally giving false information about income or resources, failing to report when a child leaves the assistance unit, or concealing information when an absent parent returns to the household.

793-1

INFORMING APPLICANTS ABOUT FRAUD DISQUALIFICATIONS

All Temporary Assistance applicants must be informed in writing of the disqualification for fraud and intentional program violations. This information is provided on the application form.

ALASKA TEMPORARY ASSISTANCE MANUAL

793-2 FRAUD REFERRALS

When a case worker believes an individual is withholding or concealing information, or receives a complaint alleging an applicant or recipient may be fraudulent, the case worker will refer the case to the Fraud Control Unit. The Fraud Control Unit will investigate and decide whether to:

- Proceed against the individual through an Administrative Disqualification Hearing, or
- Conduct a fraud investigation, which may result in referring the case to the Department of Law for criminal prosecution.

See Chapter 112 of the Administrative Procedures Manual for additional information about fraud referral procedures.

793-3 ADMINISTRATIVE DISQUALIFICATION HEARING

An individual accused of an intentional program violation has the right to an Administrative Disqualification Hearing. A Hearing Officer conducts the Administrative Disqualification Hearing. After hearing the facts of the case and examining the evidence, the Hearing Officer will decide if the individual committed an intentional program violation. The Hearing Officer will notify the individual and the Fraud Control Unit of his or her decision.

An individual may not request a fair hearing on an adverse IPV Administrative Disqualification Hearing decision. Clients may only appeal an adverse IPV hearing decision in a court of law.

An individual may waive his or her right to an Administrative Disqualification Hearing by signing a waiver. The signed waiver carries the same consequences as being found guilty of an intentional program violation in a disqualification hearing.

ALASKA TEMPORARY ASSISTANCE MANUAL

793-4

DISQUALIFICATION FOR INTENTIONAL PROGRAM VIOLATION

An individual will be disqualified if he or she:

- Is found to have committed an IPV through an Administrative Disqualification Hearing;
- Has waived his or her right to an Administrative Disqualification Hearing;
- Is found to have committed an IPV by a court; or
- Has signed a disqualification consent agreement, confirmed by a court, in which the individual admits committing an IPV.

A. GOOD CAUSE FOR IPV

There are no good cause reasons that excuse an individual from a disqualification for an IPV.

B. REDUCTION OF ASSISTANCE FOR IPV DISQUALIFICATION

The amount of the reduction in assistance applied when an individual is disqualified for an IPV is approximately \$369.

This amount is calculated by reducing the family's need standard by the difference between the need standard for an Adult-Included two-person household and the need standard for an Adult-Not-Included one-person household, and applying the ratable reduction.

C. LENGTH OF IPV DISQUALIFICATION

Individuals are disqualified from Temporary Assistance for intentional program violations for:

- 6 months for the first violation;
- 12 months for the second violation; and
- Permanently for the third violation.

ALASKA TEMPORARY ASSISTANCE MANUAL

793-5

Continued

D. IMPOSING AN IPV DISQUALIFICATION PENALTY

The Claims Unit in Juneau plays a key role in implementing the IPV disqualification. The Fraud Control Unit and the Administrative Disqualification Hearing Officer send disqualification hearing decisions and hearing waivers to the Claims Unit. The Claims Specialist notifies the caseworker of the disqualification start date, the length of the disqualification, and which EIS notice to send the individual. The caseworker may not take action to disqualify an individual until instructed to do so by the Claims Specialist.

- If the disqualified individual is a member of an assistance unit that is receiving benefits at the time of disqualification, the disqualification is imposed according to the instructions from the Claims Unit.
- If the individual is already serving a separate penalty or disqualification, the disqualification is postponed until the separate penalty or disqualification is ended.
- If the individual is not a member of an assistance unit receiving benefits at the time of disqualification, the disqualification is postponed until the individual is determined eligible for benefits again.

ALASKA TEMPORARY ASSISTANCE MANUAL

793-4 Continued

E. THE IPV DISQUALIFICATION PERIOD

The disqualification continues as long as the individual is not serving a separate penalty or disqualification, and the assistance unit remains eligible for benefits. The IPV is suspended when an individual is penalized or disqualified for another reason, or the assistance unit in which the individual is a member becomes ineligible for benefits for another reason, or requests their case be closed. If the reason for the assistance unit becoming ineligible is due solely to the imposition of the IPV disqualification, the disqualification period continues.

The disqualification will resume and the number of months remaining in the disqualification period will be imposed if and when the separate penalty or disqualification ends, or the assistance unit in which the disqualified individual could be included becomes eligible for benefits again.

793-5 OTHER IPV DISQUALIFICATION INFORMATION

A. DISQUALIFICATIONS FROM OTHER STATES OR NFAP

An individual who applies for Alaska Temporary Assistance and is disqualified for an IPV by a TANF program in another state or by a Native Family Assistance Program (NFAP) must serve the remainder of the disqualification period imposed by the other program.

Also, any previous IPV disqualifications from another state or NFAP must be considered when determining the length of a new IPV disqualification period under Alaska Temporary Assistance. For example, if an individual has already been disqualified for six months in another state's program or NFAP for a first violation, he or she will be subject to a 12-month disqualification under Alaska Temporary Assistance for a second violation.

B. CHANGES IN HOUSEHOLD COMPOSITION

IPV disqualifications are assessed against individuals. When a disqualified individual leaves or enters an assistance unit, the disqualification follows them.

ALASKA TEMPORARY ASSISTANCE MANUAL

793-5

Continued

For applicant households:

If a disqualified individual joins or leaves an assistance unit after the date of application but before eligibility is determined and benefits authorized, this change must be included in the initial determination.

For recipient households:

- If a disqualified individual enters an assistance unit the individual brings their disqualification with them. Allowing for adverse action notice requirements, the disqualification reduces the assistance amount for the family at the start of the benefit month that follows the participant's entry into the household.
- If a disqualified individual moves out of an assistance unit, the assistance amount will be adjusted for the remaining members of the assistance unit the month after the disqualified individual leaves.

793-6

EIS INFORMATION

	MFU Member	Non-MFU Member
WOSA Code	IP	IP
SEPA Code	DF	OU

If the disqualified individual is required to be included in the assistance unit, the resources and income of that individual are still counted in the eligibility and payment determinations for the assistance unit.

If the disqualified individual is not required to be included in the assistance unit, that individual must be removed from the assistance unit. The resources and income of that individual are not counted in the eligibility and payment determinations for the remaining assistance unit.