



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

FROM: CHARLES E. HENRY, EXECUTIVE DIRECTOR

**RE: REQUEST FOR CONTACT-INTENTIONAL PROGRAM VIOLATION
(IPV)**

PROGRAM AFFECTED: FOOD STAMP PROGRAM

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

BACKGROUND

Action Transmittal #01-51, issued June 9, 2001, described the policy for getting clarification of unclear information. The change in policy was due to a federal Food Stamp Program rule published on November 21, 2000. This rule also prohibits local departments from requiring households to report for office interviews during the certification period. The local department may request that a household come to the office for an interview during the certification period but cannot close the case if it fails to do so. The rules do not differentiate between routine customer interviews and suspected intentional program violation (IPV) in-office investigation interviews.

This policy also applies to situations that arise when an Office of Inspector General (OIG) or local department investigator contacts a household because of potential fraud, but is unable to complete the investigation because the household does not cooperate.

APPLICATION OF ONGOING POLICY

Even though the local department cannot require the household to come in for an interview during the certification period, the case manager can apply consequences to households that are not willing to cooperate in an IPV investigation. The policy that allows the case manager to send a request for contact (DHR/FIA 1052, CARES letter, or other case manager letter) when it needs to clarify information gives the agency the

means to gain the cooperation of the household suspected of IPV.

The local department may request the customer to make contact specifically by phone or in writing. The local department may also advise the recipient that it believes it would be in the household's best interest to appear for an office interview, even though the recipient is not required to do so. If the customer fails to respond to the request for contact or does not provide adequate information to clarify the unclear information the local department **must close the case**. This is a more severe consequence than removing the individual who is guilty of an IPV.

The household facing the closing of the entire case rather than the removal of an individual may decide that a face to face interview is the best course of action in trying to resolve the unclear information.

EXAMPLE:

1. Mrs. A and her three children receive food stamps. The certification period is August through January. In October, the local department receives information that Mr. A is in the home and refers the case for a fraud investigation. The investigator attempts a home visit, but the customer is not available. The customer does not respond to any of the investigator's requests for information. The case manager sends Mrs. A an RFC (1052) which requests verification of household composition. Mrs. A does not respond. The case manager sends adverse action, allows the appropriate adverse action time and then closes the case.
2. Mr. B applied for food stamps for his wife and two children in June. The household was certified June through November based on Mrs. B's earnings. In July, the local department receives information that Mr. B owns a lawn service company. The customer never reported the self-employment income. The local department refers the case for an IPV investigation and also sends a 1052 (RFC) asking the customer to come in and bring self-employment records.
 - (a) Scenario 1: Mr. B calls and says he cannot come in but sends all his records. The case manager calculates the self-employment income and includes it in the benefit calculation. The fraud investigator determines that there is suspected fraud and refers the case for an administrative disqualification hearing. The Administrative Law Judge finds that Mr. B had committed an intentional program violation. The case manager removes him from the case. His income continues to count in the benefit calculation for the remaining household.
 - (b) Scenario 2: Mr. B does not respond to the request for contact within 10 days from the request. The case manager closes the case after sending an adverse action notice and allowing 10 days.

REMINDER:

Unclear Information

During the certification period, the case manager may get information about changes in a household's circumstances but cannot readily determine the effect of the change on the household's food stamp benefits. This could be information from a third party, from an automated match, or from the household itself.

- ◆ Use the following procedure to get clarification of the household's situation:
 1. Issue a written request for clarification (RFC), which:
 - (a) Clearly tells the household of the verification it must provide or the actions it needs to take to clarify its circumstances;
 - (b) Gives the recipient at least 10 days to respond and to provide the requested information; and
 - (c) Clearly states the consequences if the household fails to respond to the RFC.
 2. The RFC can be either the 1052 or the CARES letter for requesting information.
 3. If the household does not respond to the RFC, or does respond but refuses to provide sufficient information to clarify its circumstances, the case manager will issue a notice of adverse action and close the case for failure to provide information.
 4. When the household responds to the RFC and provides sufficient information, the case manager must act on the new information.

PAYMENT ACCURACY

Case managers must remember to close the entire case and not just remove the uncooperative individual when the household does not respond to the RFC or fails to provide unclear information.

Quality Control (QC) reviews case closings and denials to determine if the actions taken were correct. An incorrect case closing affects the negative error rate. The failure to close an active case affects the active payment accuracy rate.

Local departments may not request a face to face interview and while this is not a payment accuracy issue FNS does review FS cases and holds the local department accountable for not adhering to policy.

INQUIRIES

Please direct policy questions to Marilyn Lorenzo at 410- 767-7333 or Kay Finegan at

410-767-7939.

cc: DHR Executive Staff
FIA Management Staff
Constituent Services
DHR Help Desk
RESI