



Department of Human Resources  
311 West Saratoga Street  
Baltimore MD 21201

## FIA ACTION TRANSMITTAL

Control Number: # 04-02

Effective Date: Upon Receipt

Issuance Date: July 30, 2003

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

**FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR**

**RE: FOOD STAMP PROGRAM COOPERATION WITH FRAUD  
INVESTIGATIONS**

**PROGRAM AFFECTED: FOOD STAMPS (FS)**

**ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS**

### **SUMMARY**

**This action transmittal replaces AT #02-74.**

The Food and Nutrition Service (FNS) has notified State agencies that they have reconsidered the use of the Request for Contact (RFC) to obtain household cooperation during an intentional program violation (IPV) investigation. FNS has determined that "threatening to terminate the individual household for failure to respond" or termination of the individual for failure to cooperate with a fraud investigator violates the customer's right to remain silent.

Only a case manager can issue the RFC. The RFC should be used only when there is a change in the household situation that could affect the household's eligibility or benefit level. **Do not use the RFC to require customers to meet with or supply information to a fraud investigator.**

Even though we cannot require a customer to meet with the case manager or investigator, contact prior to initiating formal IPV procedures gives the individual the opportunity to clarify any unclear information or circumstances. It also provides local departments and investigators an opportunity to obtain additional evidence, if obtained voluntarily.

**If the individual fails or refuses to respond to a request for an interview or additional information and there is sufficient evidence to support an IPV finding, the investigator or local department should proceed with an administrative disqualification hearing.**

**After proper notification to the individual of the ADH no further contact is required. The investigator or case manager may offer the individual the opportunity to sign the waiver of the disqualification hearing.**

Even if the customer does not appear at the ADH, the hearing will proceed. Do not remove the customer from the FS household as an IPV for not attending the hearing. The local department representative or the investigator must still successfully present **clear and convincing** evidence of the violation to the Administrative Law Judge (ALJ) to obtain an IPV decision.

## **ACTION REQUIRED**

Do not "threaten" customers into cooperating with an investigation or into signing a waiver of the ADH. Remove only the individual guilty of the IPV from the FS case.

Once the investigator and/or case manager obtains sufficient evidence of fraud the local department will prepare the case for the ADH, following procedures established in each local department.

Reinstate, if otherwise eligible, anyone whose participation was terminated from a FS case because of failure to cooperate in an investigation or to appear at a hearing (unless he was found guilty by the ALJ based on the evidence presented). If you become aware of any household whose FS benefits were closed because members of the household did not cooperate with an IPV investigation, advise the household to reapply.

**Note:** Previously issued information about clarifying unclear information in a household's circumstances is still in effect. The only change in policy is in the treatment of households with individuals in an IPV investigation. After providing appropriate adverse action, the case manager must close any FS household that refuses to respond to an RFC or who does not cooperate with resolving unclear information.

## INQUIRIES

Please direct policy questions to Kay Finegan at 410-767-7939 or Marilyn Lorenzo at 410-767-7333.

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