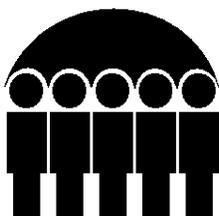


Revised January 9, 2001

Employees' Manual
Title 7
Chapter J

INTENTIONAL PROGRAM VIOLATION



Iowa
Department
of
Human Services

	<u>Page</u>
OVERVIEW	1
Definition of Intentional Program Violation.....	1
Penalties for Intentional Program Violation	2
ADMINISTRATIVE DISQUALIFICATION.....	3
When to Refer a Case for a Disqualification Hearing	3
How to Refer a Case for an Administrative Disqualification	4
Client Benefits While Waiting for a Hearing	6
Notifying the Client of the Hearing Decision	6
Imposing the Disqualification Period	7
Restitution.....	7
DISQUALIFICATION HEARING PROCESS	8
Scheduling an Administrative Disqualification Hearing	8
Consolidation of Hearings	9
Conduct of the Hearing.....	9
When a Client Does Not Attend a Hearing.....	9
Criteria for Determining Intentional Program Violation	10
Time Frames	11
Appealing the Decision.....	11
COURT REFERRALS	12
When to Refer a Case for a Court Hearing	12
How to Refer a Case for a Court Hearing.....	12
How to Process a Court Conviction.....	13
When a Disqualification Decision Is Reversed	13

OVERVIEW

The Department of Human Services is responsible for investigating any case of alleged intentional program violation (IPV) and for making sure that cases are acted upon through administrative disqualification hearings.

After defining an intentional program violation and the penalties involved, the next section of this chapter lays out the policies and procedures involved in referring a case for an administrative disqualification hearing and how to determine when a period of disqualification begins.

A section on the mechanics of the administrative hearing process is followed by a section covering court referrals using the same ordering -- when to refer, how to refer, and what to do when a decision is reached.

Legal authority is found in the Food Stamp Act of 1977, Title 7 Code of Federal Regulations 273.16, Iowa Code Chapter 234, and 441 Iowa Administrative Code, Chapters 7 and 65.

Definition of Intentional Program Violation

Legal reference: 7 CFR 273.16(c)

An “intentional program violation” means having **intentionally**:

- ◆ Made a false or misleading statement, or
- ◆ Misrepresented, concealed, or withheld facts, or
- ◆ Committed an act that is a violation of the Food Stamp Act, food stamp program regulations, or any state rule relating to the use, presentation, transfer, acquisition, receipt or possession of a benefit transfer instrument.

An intentional program violation is determined through an administrative disqualification hearing.

Penalties for Intentional Program Violation

Legal reference: 7 CFR 273.16(b) and 273.18(c)(2)ii; 441 IAC 65.21(5)

The penalty for an intentional program violation (IPV) is disqualification from participating in the food stamp program. How long a person must be disqualified depends on:

- ◆ The date on which the IPV was committed.
- ◆ For IPV's committed on or after September 21, 1996, the kind of IPV committed.

The date the IPV was committed is the first time the person committed the violation, no matter how long the person continued to commit the same violation.

Apply the penalty only after a person is found to have committed an IPV through an administrative disqualification hearing. Disqualify only the person found to have committed the IPV. One or more IPV's that occurred before June 1, 1983, are considered as one previous disqualification when determining these penalties.

If the finding is that a person committed an IPV before September 21, 1996, the person is ineligible to participate in the food stamp program:

- ◆ For six months for the first violation.
- ◆ For twelve months for the second violation.
- ◆ Permanently for the third violation.

If the finding is that a person committed an IPV on or after September 21, 1996, by:

- ◆ Trading less than \$500 in food stamp benefits for drugs (controlled substances), the person is ineligible to participate in the food stamp program:
 - For two years for the first violation.
 - Permanently for the second violation.
- ◆ Falsely representing identity or residency in order to get food stamp benefits in more than one household at the same time, the person is ineligible to participate in the food stamp program:
 - For ten years for the first or second violation.
 - Permanently for the third violation.

- ◆ Trafficking food stamp benefits of \$500 or more, the person is ineligible to participate in the food stamp program permanently for the first violation. (See 7-A, **Definitions**, for the definition of “trafficking.”)
- ◆ Trading firearms, ammunition, or explosives for food stamp benefits, the person is ineligible to participate in the food stamp program permanently for the first violation.
- ◆ Any reason not listed above, the person is ineligible to participate in the food stamp program:
 - For one year for the first violation.
 - For two years for the second violation.
 - Permanently for the third violation.

ADMINISTRATIVE DISQUALIFICATION

The following sections explain:

- ◆ When to refer a case for an administrative disqualification hearing.
- ◆ How to refer a case for a disqualification hearing.
- ◆ Client benefits while waiting for a hearing.
- ◆ Notifying the client of a hearing decision.
- ◆ Imposing the disqualification.
- ◆ Restitution.

When to Refer a Case for a Disqualification Hearing

Legal reference: 7 CFR 273.16(a)

Refer the following types of cases to the Department of Human Services Appeals Section for an administrative disqualification hearing:

- ◆ Cases where:
 - The food stamp claim is \$1,000 or less and no other program claim is involved, or claims for all programs for this incident are \$1,000 or less, **and**
 - You have sufficient documentary evidence to substantiate that a person has intentionally made one or more acts of intentional program violation.

- ◆ Cases where you receive a case disposition memo from the Department of Inspections and Appeals (DIA) advising that a criminal court decision has been received, the debtor has been found guilty of a fraudulent act, and the case involves a food stamp overissuance.
- ◆ Cases previously referred for prosecution that were declined by the legal authority or formally withdrawn by the state. See **COURT REFERRALS**. The county office will receive electronic mail from the DIA Investigations Division stating that court action will not be taken.

“Sufficient documentary evidence” includes applications, wage reports, IEVS reports, employer’s statements, PAERs, RREDs, or reporting forms where the client has not fully reported income, resources, household composition, etc. It can also include rights and responsibilities statements signed by the client acknowledging responsibility to report. Include all information used to establish the claim and the client’s intent to commit fraud.

Refer a person for an administrative disqualification hearing regardless of the person’s current eligibility. An IPV referral may be appropriate for a new applicant even if the applicant is denied benefits. Evaluate the situation to determine whether an IPV referral is appropriate. More than one member of a household can be referred for an intentional program violation.

Do **not** refer the case for an administrative hearing when the case has been referred to DIA for a court hearing, unless the Investigations Division has notified you.

How to Refer a Case for an Administrative Disqualification

Legal reference: 7 CFR 273.16

Use form 470-3035, *IPV Referral Cover Sheet*, to make a referral to the DHS Appeals Team for an administrative disqualification hearing. To refer more than one member of a household, send a separate form for each person.

Submit the following information with the form:

- ◆ A copy of form 470-0464, *Overpayment Recovery Information Input*, if applicable.
- ◆ Copies of evidence. Referrals submitted with insufficient information will be returned to the regional office.
- ◆ A copy of the judgment, if this is a court conviction or *Confession of Judgment* being referred for an IPV hearing.

When referring a person for more than one act (e.g., failure to report income or failure to report resources) during the same period, include referral information on all actions. (If the case is found guilty, only one disqualification period is established.)

Send the original form 470-0464, *Overpayment Recovery Information Input*, directly to the DIA Investigations Division in order for the claim to be entered on the system. If a claim will not be completed, indicate why in the summary. It is not necessary for benefits to have been issued for an IPV to exist.

While additional information can later be submitted indicating further fraudulent behavior, only one disqualification period can be imposed for the same time period. Once a disqualification period is established, another disqualification period cannot be imposed for infractions that occurred before that period. This is true also if the household commits a second offense before the final decision being reached on the first offense.

Although another disqualification period cannot be imposed, refer these cases for an IPV so the claim can be considered an IPV claim if appropriate.

1. Mrs. C is found guilty of an intentional program violation for failure to report income during January 1999. The disqualification period is established for 12 months, as the first offense. The worker later determines that Mrs. C also intentionally failed to report income in November 1998. The worker establishes a claim for an inadvertent household error and refers the November 1998 incident for an IPV hearing.

If Mrs. C is found guilty of IPV, the claim will be changed to an IPV claim. However, a second disqualification period will not be imposed, as the act was committed before the establishment of the first disqualification period.

2. Mr. A fails to report income during January 2000. A referral is made when the offense is discovered in March 2000. In May 2000, Mr. A again fails to report income. The final decision stating that Mr. A is guilty of an IPV is issued on July 7, 2000. The second offense is discovered in July 2000.

The worker refers the second offense for an IPV hearing. If Mr. A is found guilty, the claim will be changed from an inadvertent household error to an IPV. No additional disqualification will be imposed, as the second offense was committed before the first disqualification period was established.

Do not notify the household member of the administrative disqualification hearing referral. The Appeals Division of the Department of Inspections and Appeals will notify the household member of the scheduled hearing on the *Intentional Program Violation Hearing Notice*. When you receive the notice of hearing, send the client a copy of all information you submitted for the referral.

Client Benefits While Waiting for a Hearing

Legal reference: 7 CFR 273.16(e)(5)

A pending disqualification hearing does not affect the person's or household's right to be certified and participate in the program. Determine the eligibility and benefit level of the household in the same manner as for any other household.

You cannot disqualify a household member for intentional program violation until you receive the final appeal decision that the person has been found guilty of committing an intentional program violation.

Notifying the Client of the Hearing Decision

Legal reference: 7 CFR 273.16(e)(9)

The Appeals Division of DIA notifies the household and the county office of the proposed decision. The Appeals Section of DHS issues the final decision. Procedures concerning the proposed and final decisions are found in 1-E, **APPEAL DECISION**.

When the decision is that the household member did **not** commit an intentional program violation, the final decision serves as the written notice to the household.

When the final decision is that the person committed an intentional program violation, send a written notice to the person before imposing the disqualification. Use the written notice furnished to you by the Appeals Section on form 470-0288, *Notice of Disqualification*. The Appeals Section sends instructions for this process with the form.

Imposing the Disqualification Period

Legal reference: 7 CFR 273.16(e)(8)(i), (iii), and (iv)

When the person is found to have committed an intentional program violation, disqualify that person the first month that action can be taken following the final decision. Once the disqualification period begins, it continues uninterrupted until completed, regardless of the household's eligibility.

Notification must be in writing. The Appeals Section will send you the form to use to take action and notify the client. Recalculate the amount of the claim, if necessary, to remove the 20% earned income deduction.

Mr. N is found guilty of a first IPV.

- ◆ If the final decision is received March 5, 2000, remove Mr. N from the food stamp household effective April 1, 2000, and disqualify him through March 31, 2001.
- ◆ If the final decision is received March 25, 2000, remove Mr. N from the food stamp household effective May 1, 2000, and disqualify him through April 30, 2001.

See 7-I for the treatment of income and resources of household members who are ineligible because of an intentional program violation.

Restitution

Legal reference: 7 CFR 273.16(b)

The remaining household members must agree to make restitution within 30 days of the date the DIA Investigations Division mails the written demand letter to the household. All restitution must be made in accordance with established procedures for cash or coupon repayment or allotment reduction. (See 7-H, **Intentional Program Violation Claim.**)

If the household members do not agree to make restitution or fail to make restitution, the household's monthly allotment will be reduced.

DISQUALIFICATION HEARING PROCESS

The Department of Inspections and Appeals (DIA) conducts administrative disqualification hearings. The following sections describe procedures for:

- ◆ Scheduling an administrative disqualification hearing.
- ◆ Consolidating hearings.
- ◆ Conduct of the hearing.
- ◆ A client's failure to attend a hearing.
- ◆ Time frames for the hearing and decision.
- ◆ Appealing the decision.

Scheduling an Administrative Disqualification Hearing

Legal reference: 7 CFR 273.16(e)(3), (4), 441 IAC 7.22(217)

The DIA Appeals Division provides written notice to the suspected household member on the *Intentional Program Violation Hearing Notice* at least 30 days before the scheduled hearing. The notice is sent by certified mail so that proof of receipt is obtained.

The time and place of the hearing must be arranged so that the hearing is accessible to the household member suspected of intentional program violation. Hearings may be conducted over the telephone. The household member suspected of committing the violation may request an in-person hearing (instead of a phone hearing) and that request will be granted.

A telephone hearing will not be held unless the household member suspected of committing an intentional program violation signs form 427-0415, *Agreement for Telephone Hearing*. The household member can sign the form when he or she appears for the telephone hearing. If the form is not signed, an in-person hearing will be scheduled instead of a telephone hearing.

Consolidation of Hearings

Legal reference: 7 CFR 273.16(e)(1)

Appeal hearings and administrative disqualification hearings may be combined if the issues arise out of the same or related circumstances and due notice has been provided the person by the DIA Appeals Division. If the hearings are combined, the timeliness standards for conducting disqualification hearings apply.

If the hearings are combined for the purpose of setting the amount of the claim at the same time as determining whether or not an IPV has occurred, the household will lose its right to a subsequent hearing on the amount of the claim.

Conduct of the Hearing

Legal reference: 7 CFR 273.16(e)(2)

Hearings are conducted in accordance with procedures in 1-E, **RIGHTS OF APPELLANTS DURING HEARINGS**, by an administrative law judge from the DIA Appeals Division. Final decisions may be appealed to the Iowa district court, the same as for other appeal hearings.

At the administrative disqualification hearing, the administrative law judge advises the household member or representative that he or she may refuse to answer questions during the hearing. The household member is advised of this right because the information may be used in a civil action by the state or federal government.

When a Client Does Not Attend a Hearing

Legal reference: 7 CFR 273.16(e)(4)

If the household member or the household's representative fails to appear at the hearing, the hearing will be conducted without the household member represented if the appeal file indicates that the household has been notified of the scheduled hearing. The administrative law judge will review the file to determine if:

- ◆ The client signed for the certified notice of hearing and the signature is in the file, or
- ◆ The notice of hearing was returned as undeliverable.

If the record indicates that the client has not been notified of the hearing, the judge will dismiss the proceeding and request the county office to resubmit the IPV when proper notification can be made.

If the administrative law judge determines that the household was notified of the hearing, even though the household member is not represented, the judge considers the evidence and determines if there is clear and convincing evidence that an intentional program violation was committed.

A client who does not appear for the hearing may request review of the proposed decision and provide the reason for not attending. The county office will have the opportunity to respond to the client's request for review. Then the file will be returned to DIA for the judge to determine if good cause for not attending the hearing exists.

If the judge determines that good cause does exist, the file will be reopened and a new hearing will be set.

Criteria for Determining Intentional Program Violation

Legal reference: 7 CFR 273.16(e)(6)

The administrative law judge must base the determination of intentional program violation on clear and convincing evidence that demonstrates the person committed, and intended to commit, an intentional program violation. It is your responsibility to gather the evidence the administrative law judge uses to make a decision.

Clear and convincing evidence lies somewhere between a preponderance of proof and evidence beyond a reasonable doubt.

Evidence that will help document and support your case includes:

- ◆ Documentation of prior failure to report changes.
- ◆ Documentation of prior failure to provide accurate information.
- ◆ Documentation of prior IPV decision.
- ◆ A copy of the judgment in a criminal court conviction.
- ◆ A copy of the *Confession of Judgment*, if household admitted the overissuance to DIA.

Time Frames

Legal reference: 7 CFR 273.16(e)(2)

The DIA Appeals Division must conduct the hearing and issue a proposed decision, and the DHS Appeals Section must notify the household and the county office of the final decision within 90 days of the date the household member is notified in writing that the hearing has been scheduled. The household member or the appeals advisory committee may request a review, as in all other appeals.

The household member or representative is entitled to a postponement of the hearing of up to 30 days, provided that the request is made at least ten days in advance of the scheduled hearing date. If the hearing is postponed, the 90-day time limit is extended for as many days as the hearing is postponed.

Appealing the Decision

Legal reference: 7 CFR 273.16(e)(8)(ii)

No further administrative appeal procedure exists after the final decision of an adverse disqualification hearing is issued. The determination of intentional program violation cannot be reversed by a subsequent hearing decision. However, the household member is free to appeal the case to the Iowa district court.

Filing of a court appeal does not stop the Department from imposing the disqualification penalty. The period of disqualification may be subject to stay if a client files for judicial review and requests a stay order preventing the Department from implementing the disqualification period. A stay order must be issued by the court.

COURT REFERRALS

This section deals with court hearings initiated by the DIA Investigations Division. It does not relate to judicial reviews of administrative disqualification hearings. The following subsections describe:

- ◆ When to refer a case for a court hearing.
- ◆ How to refer a case for a court hearing.
- ◆ How to process a court conviction.
- ◆ Procedures when a disqualification decision is reversed.

When to Refer a Case for a Court Hearing

Legal reference: 7 CFR 273.16(a) and (g)

Refer the following types of cases to the DIA Investigations Division for a court hearing:

- ◆ Cases where the food stamp claim is over \$1,000.
- ◆ Cases where the combined claims for all programs are over \$1,000, and you believe there may have been an intentional program violation.

Refer a person for a court hearing regardless of the current eligibility of the person.

How to Refer a Case for a Court Hearing

Legal reference: 7 CFR 273.16(a) and (g)

Use forms 470-0464, *Overpayment Recovery Information Input*, and 470-0465, *Overpayment Recovery Supplemental Information*, to make a referral to the DIA Investigations Division. See 6-Appendix for instructions.

The Investigations Division will send form 427-0500, *Overpayment Recovery Case Status*, giving the status of the referral. When there are changes in status of the referral, final court decisions, or any necessary action, the Investigations Division will send form 427-0500. Review the criteria for initiating a referral for administrative disqualification hearing if the prosecution action has been declined or withdrawn.

How to Process a Court Conviction

Legal reference: 7 CFR 273.16(g)(3)

If the court finds that the household member committed a fraudulent act involving food stamps, you will receive notification from the Investigations Division.

You must refer the household member(s) for an IPV hearing. See **When to Refer a Case for a Disqualification Hearing**.

When a Disqualification Decision Is Reversed

Legal reference: 7 CFR 273.16(j)

If a determination of intentional program violation is reversed by a court decision, the Appeals Section will notify you whether to restore lost benefits.



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF HUMAN SERVICES

CHARLES M. PALMER, DIRECTOR

June 6, 1995

GENERAL LETTER NO. 7-J-7

ISSUED BY: Bureau of Food Stamps, Division of Economic Assistance

SUBJECT: Employees' Manual, Title 7, Chapter J, "Intentional Program Violation," Title page, revised; Contents (page 1), revised; and pages 1 through 12, revised

Summary

Chapter J has been reorganized and rewritten to incorporate the Department's updated manual format and writing style. The policy content of the chapter remains unchanged.

Effective Date

July 1, 1995

Material Superseded

Remove all pages from the Employees' Manual, Title 7, Chapter J, and destroy them.

Obsolete Interpretation No. EA-VII-94-1, "IPV Referrals," dated 5/29/90.

Additional Information

Refer questions about this material to your regional benefit payments administrator.



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF HUMAN SERVICES

CHARLES M. PALMER, DIRECTOR

June 28, 1995

GENERAL LETTER NO. 7-J-8

ISSUED BY: Bureau of Food Stamps, Division of Economic Assistance

SUBJECT: Employees' Manual, Title 7, Chapter J, "Intentional Program Violation," correction.

Summary

General Letter No. 7-J-7, dated June 6, 1995, stated that the existing Chapter VII-J, "Intentional Program Violation," was to be superseded by the rewritten Chapter 7-J, also titled "Intentional Program Violation," effective July 1, 1995. The effective date has been delayed.

The date that the rewritten chapter, dated June 6, 1995, is to become effective and supersede the existing chapter has been changed to August 1, 1995.

Effective Date

July 1, 1995

Material Superseded

None.

Additional Information

Refer questions about this general letter to your regional benefit payment administrator.



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF HUMAN SERVICES

CHARLES M. PALMER, DIRECTOR

January 30, 1996

GENERAL LETTER NO. 7-J-9

ISSUED BY: Bureau of Food Stamps, Division of Economic Assistance

SUBJECT: Employees' Manual, Title 7, Chapter J, *Intentional Program Violation*, Contents, revised; pages 5, 6 and 11, revised.

Summary

This manual change is being made to implement a federal mandate based on a United States Court of Appeals decision that postponing a disqualification for a food stamp program violation is not in compliance with the Food Stamp Act.

If a person is found to have committed an Intentional Program Violation (IPV) and is not currently participating in the food stamp program, notify that person of the disqualification within 10 days of the date of the IPV decision. Start the disqualification the next month after the notice is mailed.

If a court decides a person has committed an IPV, the order does not specify the date to start the disqualification, and the person is not participating in the food stamp program at the time the disqualification is to be imposed, start the disqualification within 45 days of the date of the court decision.

Effective Date

Implement this policy for all IPV disqualifications imposed on or after February 1, 1996.

Material Superseded

Remove from the Employees' Manual, Title 7, Chapter J, and destroy the Contents (page 1) and pages 5, 6, 11, and 12, all dated June 6, 1995.

Additional Information

Apply this change retroactively as follows:

- ◆ Persons whose disqualification period has expired:
 - If the IPV decision was made in July 1995 or earlier, and it was a first IPV, the disqualification period has expired.
 - If the IPV decision was made in January 1995 or earlier, and it was a second IPV, the disqualification period has expired.
- ◆ Persons whose disqualification period has partially expired:
 - If the IPV decision was made in August 1995 or later, and it was a first IPV, start counting the six-month disqualification with the month following the month of the decision. For example, for a first IPV decision made September 15, 1995, start counting the six-month disqualification with October. The disqualification would expire the end of March 1996.
 - If the IPV decision was made in February 1995 or later, and it was a second IPV, start counting the 12-month disqualification with the month following the month of the decision.

Restore lost benefits for any person whose disqualification period expired in the 12 months before February 1, 1996, upon discovery.

No desk review is required of pending disqualifications. Act on disqualifications as they become known.

Please contact your regional benefit payment administrator if you need additional information.



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF HUMAN SERVICES

CHARLES M. PALMER, DIRECTOR

March 24, 1998

GENERAL LETTER NO. 7-J-10

ISSUED BY: Bureau of Food Stamps, Division of Economic Assistance

SUBJECT: Employees' Manual, Title 7, Chapter J, *Intentional Program Violation*, Contents (page 1), revised; and pages 1 through 6 and 11, revised.

Summary

This chapter is revised to include the penalties for intentional program violation that were implemented by Manual Letter No. 7-J-1, dated September 24, 1996.

Effective Date

Upon release.

Material Superseded

Remove the following pages from Employees' Manual, Title 7, Chapter J, and destroy them:

<u>Page</u>	<u>Date</u>
Manual Letter No. 7J-1	September 24, 1996
Contents (page 1)	June 6, 1995
1-4	June 6, 1995
5, 6, 11	January 30, 1996

Additional Information

Refer questions about this general letter to your regional benefit payment administrator.



THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

October 12, 1999

GENERAL LETTER NO. 7-J-11

ISSUED BY: Bureau of Food Stamps, Division of Economic Assistance

SUBJECT: Employees' Manual, Title 7, Chapter J, *Intentional Program Violation*, page 2, revised.

Summary

This chapter is revised to include the penalties for intentional program violation for trading food stamp benefits for firearms, ammunition or explosives. The penalty is permanent disqualification for the first violation.

Effective Date

November 1, 1999

Material Superseded

Remove from Employees' Manual, Title 7, Chapter J, page 2, dated March 24, 1998, and destroy it.

Additional Information

Refer questions about this general letter to your regional benefit payment administrator.



THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

January 9, 2001

GENERAL LETTER NO. 7-J-12

ISSUED BY: Bureau of Food Stamps, Division of Economic Assistance

SUBJECT: Employees' Manual, Title 7, Chapter J, **INTENTIONAL PROGRAM VIOLATION**, Title page, revised; Contents (page 1), revised; pages 1 through 11, revised; and pages 12 and 13, new.

Summary

This chapter is revised to clarify policy as requested by field staff. Pages 4 and 5 are revised to correct form numbers and to expand examples of when to impose sanctions and when sanctions cannot be imposed. Page 7 is revised to add examples of when to impose the disqualification period. Page 10 is revised to add examples of documentation to provide the administrative law judge in support of an IPV referral.

Effective Date

Upon receipt.

Material Superseded

Remove the entire Chapter J from Employees' Manual, Title 7, and destroy it. This includes the following pages:

<u>Page</u>	<u>Date</u>
Title page	June 6, 1995
Contents (page 1)	March 24, 1998
1	March 24, 1998
2	October 12, 1999
3-6	March 24, 1998
7-10	June 6, 1995
11	March 24, 1998

Additional Information

Refer questions about this general letter to your regional benefit payment administrator.



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

April 9, 2002

GENERAL LETTER NO. 7-J-13

ISSUED BY: Bureau of Financial and Work Supports,
Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 7, Chapter J, **INTENTIONAL PROGRAM VIOLATION**, Contents (page 1), revised; and pages 1, 2, 4, 5, 10, 12, and 13, revised.

Summary

This chapter is revised to:

- ◆ Remove references to court actions constituting an intentional program violation (IPV). An IPV can be determined only by an administrative disqualification hearing.
- ◆ Add a criminal court decision to the list of cases to refer to the DHS Appeals Section for an administrative disqualification hearing.
- ◆ Add instructions on what documentation to provide when you refer a case for an administrative disqualification hearing when there is a court conviction or a *Confession of Judgment* signed by the household.
- ◆ Add evidence to support your case when the referral is based on a court conviction or a *Confession of Judgment*.
- ◆ Add instructions on how to process a court conviction.
- ◆ Correct the subsections under "Court Referrals" to match the remainder of the chapter.
- ◆ Remove a reference to the benefit payment administrator.

Effective Date

Upon receipt.

Material Superseded

Remove the following pages from Employees' Manual, Title 7, Chapter H, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (page 1)	January 9, 2001
1, 2, 4, 5, 10, 12, 13, 18	January 9, 2001

Additional Information

Refer questions about this general letter to your area income maintenance supervisor 2.