

Investigative Unit Operations Plan

County: Chenango

Contact Person: Daniel Auwarter

Title: Deputy Commissioner, Income Maintenance Programs

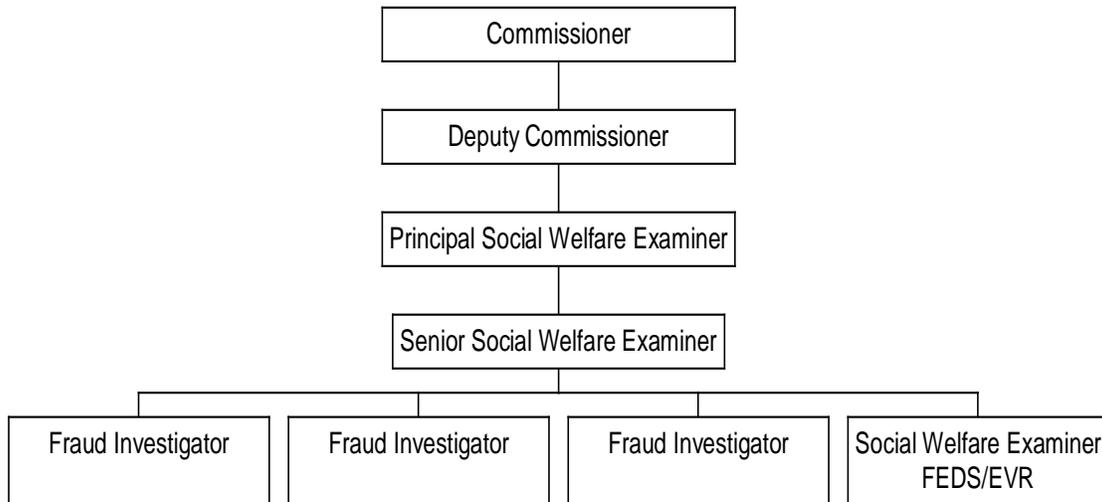
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1. What unit is responsible for the investigation of client fraud allegations?

(Please provide the name of the unit, # of positions, titles of positions, and how allegations are processed.)

The Fraud Unit is housed within the Income Maintenance Program division. The Fraud Unit consists of a Senior Social Welfare Examiner, three Fraud Investigators, and one Social Welfare Examiner (FEDS and EVR only). A Principal Social Welfare Examiner has oversight of the unit and reports to the Deputy Commissioner over Income Maintenance Programs.



Allegations are processed in the following manner:

- A. Fraud referrals are received by the Principal Social Welfare Examiner and/or the Senior Social Welfare Examiner. Referrals are received via mail, phone, in

person or through webmail. They are reviewed and logged into the locally maintained Fraud Database.

- B. The Senior Social Welfare Examiner assigns investigations to one of the three Fraud Investigators based on caseload. The assignment is logged into the database.
- C. The assigned Fraud Investigator conducts an investigation, which may include: review of bank records, collateral contacts, home visits, employer verifications, Resource File Integration (RFI), client interviews, web searches, Accurant, DMV, Department of Labor, store video and other sources.
- D. Fraud Investigations are to be completed within 6 months of assignment unless given supervisor authorization to extend the investigation.
- E. Completed fraud investigation summary reports are given to the Senior Social Welfare Examiner for review and sign-off. Referrals for criminal prosecution are made once the summary has been reviewed (see below).

2. What unit is responsible for the prosecution of client fraud allegations?

(Please provide the name of the unit, # of positions, titles of positions, and how allegations are processed.)

Please see above unit chart re: positions and titles.

The three Fraud Investigators investigate, collect evidence and determine potential for Intentional Program Violations (IPV's). Potential IPV's are referred to the District Attorney for criminal prosecution or Disqualification Consent Agreements (DCA's).

- 3. What unit is responsible for determining the overpayment amount, establishing the claim, and collection activities?
 - A. A Senior or Principal Social Welfare Examiner calculates overgrants
 - B. Temporary Assistance (TA) and Supplemental Nutrition Assistance Program (SNAP) referrals with no intent overgrants are referred back to the Social Welfare Examiner to initiate recovery through recoupment. Medicaid overgrants are referred to the Accounting Department to pursue collection.
 - C. Closed cases with no intent are referred to the Accounting Department to pursue collection.
- 4. What are the step by step procedures for the referral of fraud cases for administrative hearings, including the notices provided and the timing of providing such notices?

The agency is not currently using the Administrative Hearing process with regards to fraud cases.

5. What are the step by step procedures for the referral of fraud cases to your District Attorney, including the notices provided and the timing of providing such notices?

Coordination between the Fraud Unit and prosecutor is performed in the following manner:

- A. An investigation packet is forwarded to the District Attorney and the Chenango County Sheriff's Office upon approval from the Senior Social Welfare Examiner or Principal Social Welfare Examiner.

- Included in the packet is a chronological outline of the evidence obtained during the investigation, calculations of overgrants, and exhibits from the case file and investigation.

- B. Cases that are prosecuted are heard before the Norwich City Court Judge.

- Continuing prosecution is determined by the District Attorney:

- a. Individuals found guilty
- b. Individuals sign a DCA as resolution of the case
- c. The Court verifies disposition of the case

6. What are your procedures for offering a Disqualification Consent Agreement (DCA)?

- A form is submitted to the District Attorney for the purpose of pursuing a DCA. The District Attorney completes the form and returns it to the Fraud Investigator. The Fraud Investigator then sends the client an appointment letter "*Notice of Consequences of Consenting to a Disqualification Consent Agreement*" notice (LDSS-4904) and The "*Disqualification Consent Agreement*" (LDSS-4903).

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7. How is it proven that an individual has been advised on the court record of the Public Assistance disqualification penalties?

During the court process, the District Attorney advises client of the disqualification penalties. This is followed up by a letter from the department stating the TA and SNAP disqualification penalties.

Attach a copy of the agreement between your social services district and the District Attorney's Office for the prosecution

of welfare fraud.

See attached (2015)

**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)
FRAUD PROSECUTION AGREEMENT**

This Agreement is made by and between the CHENANGO COUNTY DEPARTMENT OF SOCIAL SERVICES, hereinafter referred to as the Department, and the CHENANGO COUNTY DISTRICT ATTORNEY, hereinafter referred to as the District Attorney.

WITNESSETH

WHEREAS, Part 348 of Title 18 of the Codes, Rules and Regulations of the State of New York require the Department to refer to the District Attorney cases wherein reasonable grounds exist to believe that criminal fraud was committed, and

WHEREAS, Section 700 of the County Laws of the State of New York authorizes the District Attorney to prosecute claims and offenses cognizable by the Court of the State of New York ; and

WHEREAS, Section 95, Subdivisions 7 and 8 and Section 147 of the Social Services Law of the State of New York as well as relevant provisions of the Penal Law of the State of New York set forth criminal liability for certain prohibited activity with regard to the SNAP Program; and

WHEREAS, in certain instances the District Attorney may decide to defer or resolve criminal prosecution without a formal adjudication of guilt; and

WHEREAS, the Department is mandated by Part 392 of the Codes, etc. to establish an Intentional Program Violation where appropriate notwithstanding the District Attorney's determination to resolve a matter without a conviction in criminal Court; and

WHEREAS, the mutual requirements of the Department and the District Attorney would be served by the aforementioned resolution of certain cases without conviction by the use of "Disqualification Consent Agreement " as provided in Part 399 of Title 18 N.Y.C.R.R.; and

WHEREAS, Section 399.4(d)(e) of Title 18 N.Y.C.R.R. requires the Department to enter into a written agreement with the District Attorney to ensure that the Department has an opportunity to send advance written notification to the SNAP household as to the consequences of signing a Disqualification Consent Agreement ; and

WHEREAS, it is appropriate that the parties hereto enter into written agreement setting forth their respective understandings and duties under the law:

NOW, THEREFORE, it is agreed and understood as follows:

1. The Department may refer to the District Attorney all appropriate cases of applicant or recipient fraud related to the SNAP Program and/or any other programs providing public assistance or care.
2. The District Attorney shall accept such referrals from the Department, and where appropriate prosecute or assist in the proper disposition and resolution of same. However, the parties agree that the Department will not refer to the District Attorney cases in which the total SNAP value alleged to be fraudulently obtained added together with the value of fraudulently received Medical Assistance and or Temporary Assistance is less than the sum of five hundred dollars (\$500.00).
3. The District Attorney agrees that, in cases where his office deems it appropriate to defer or resolve criminal prosecution without conviction by understanding including a "Disqualification Consent Agreement" as set forth in Part 399 of Title 18 N.Y.C.R.R., he shall give prior notice to the Department. Such notice shall be given to the Department in a timely manner so that the Department may, in turn, provide prior written notice to the client advising them of the consequences of signing such "Disqualification Consent Agreement."
4. The parties understand and agree that while it is in their mutual interests to cooperate in the prosecution of alleged SNAP fraud, each party has their distinct duties and authority under the law. Therefore, nothing in this agreement is intended, nor shall it be construed or interpreted, to interfere with the authority of the District Attorney to determine what action, if any, is appropriate in the investigation and or prosecution of alleged criminal activity. Similarly, this agreement is not intended nor shall it be construed or interpreted to interfere with the authority of the Department to administer the SNAP Program in conformity with Federal and State Laws and Regulations applicable thereto.
5. The Department shall provide the District Attorney with all pertinent information needed to complete the fraud investigation, including but not limited to the computation of overpayments for cases of alleged fraud.

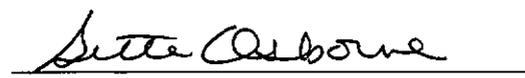
6. The District Attorney shall maintain records on all fraud prosecution and investigation activities and apprise the Department of information concerning the same.
7. The Department and the District Attorney herein agree that all information exchanged under this Agreement shall be confidential with respect to public release and shall be used solely for the purpose intended, and that appropriate measures shall be taken to safeguard the confidentiality of such information to the extent required by appropriate Federal and State Laws and Regulations.
8. This agreement may be terminated, in whole or in part, by either party, upon thirty (30) days written notice to the other party or by mutual written agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year indicated.



Joseph McBride
Chenango County District Attorney

Date: 9/21/15



Bette Osborne, Commissioner
Chenango County Department of Social Services

Date: 9/11/2015