

Investigative Unit Operations Plan

County: Franklin

Contact Person: Jannelle Reome

Title: Director of Financial Assistance

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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 responsible for investigation of client fraud allegations. The Unit consists of two (2) Social Services Investigators, a ½ time Community Service Aid and the Director of Financial Assistance

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.

The Fraud Unit investigates and prepares the case file for the District Attorney's Office and the District Attorney's Office prosecutes.

3. What unit is responsible for determining the overpayment amount, establishing the claim and collection activities?

The Senior Social Welfare Examiners for the Medical Assistance unit do the fraud budgets for their program and the Senior Clerk for the Daycare Unit does their fraud budgets. All fraud budgets for Temporary Assistance, SNAP and HEAP are computed by the Social Services Fraud Investigators as they have background in each of these programs.

Once an overpayment is determined and a claim needs to be established, the Fraud Unit sends the information to the appropriate unit where the Senior Social Welfare Examiner establishes the claim. All TA and SNAP claims are established in the Cash Management Subsystem (CAMS).

If an active Temporary Assistance or SNAP case has an overpayment, the overage is recovered from the case.

If the case was criminally prosecuted and the payment was ordered to be made through Probation, the Franklin County Probation Department accepts payments and monitors the collection. If the case is or becomes active TA or SNAP, these payments are collected through the Accounting Department as a part of CAMS repayments. The Social Services Fraud Investigators monitor and follow up on the collection for those who are not criminally prosecuted and have signed a Repayment Agreement with Investigator.

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 Social Services Investigators prepare and write up cases and submit two copies of the packet to Albany. All notices are sent out from Albany.

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?

Cases are prepared for prosecution in the Investigations Unit and submitted to the District Attorney's Office. The cases are then reviewed by the District Attorney's office and either accepted or rejected for prosecution. If the case is accepted for criminal prosecution, the Investigations Unit obtains Warrants and the District Attorney's Office proceeds.

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

All clients investigated for possible fraud are given the opportunity to come into the agency to explain their circumstances. The client is advised what information was obtained and how the overpayment (if any) was determined. Investigators then determine if there was intent and the DCA process is explained. Client is advised that the District Attorney must review and approve the case. If the District Attorney approves the DCA, then the Notice of Consequences is given. After 10 days, the DCA is sent or client comes in to sign.

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

An INV 3 is presented and signed at Court by the Judge and the defendant. This waives the reading of the INV 6. The INV 6 explains all of the disqualification penalties and becomes a part of the record (as Exhibit A).

DISTRICT ATTORNEY'S COOPERATIVE AGREEMENT

This Cooperative Agreement made the 19th day of October 2015 between the **FRANKLIN COUNTY DEPARTMENT OF SOCIAL SERVICES, (the DEPARTMENT)** and the **FRANKLIN COUNTY DISTRICT ATTORNEY'S OFFICE, (the DISTRICT ATTORNEY)** is entered into the parties

WITNESSETH:

WHEREAS, 18NYCRR 348.2 requires the **DEPARTMENT** to enter into a written agreement with the district attorney's with regard to prosecution welfare fraud cases.

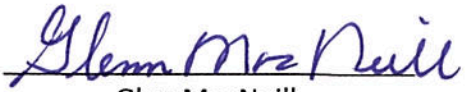
WHEREAS, 18NYCRR 359.4(b) requires the **DEPARTMENT** to enter into a written agreement with district attorney's with regard to advance written notification of the consequences of signing a disqualification consent where Intentional Program Violations are alleged.

Now, **THEREFORE**, it is agreed as follows:

1. The **DISTRICT ATTORNEY** agrees that in all cases referred to his office where; (1) an Intentional Program Violation is alleged, and (2) where the case is to be settled upon a basis of a deferred adjudication (e.g. adjournment in contemplation of dismissal), and (3) where a disqualification consent agreement is part of such settlement or order, the **DISTRICT ATTORNEY** will notify the **DEPARTMENT** prior to such settlement for the purpose of permitting the **DEPARTMENT** to send advance written notice to the defendant of the consequences of signing a disqualification Consent Agreement.

COUNTY DISTRICT ATTORNEY'S
OFFICE

Date:

By: 
Glen MacNeill
Acting District Attorney

COUNTY DEPARTMENT OF SOCIAL
SERVICES

Date:

By: 
Michele Mulverhill
Commissioner
Franklin County Department of
Social Services