

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
October 20, 2017**

IM 5319

TO: County Social Service Directors
Economic Assistance Policy Regional Representatives
Economic Assistance Policy Quality Control Reviewers

FROM: Carol Cartledge, Director, Economic Assistance

SUBJECT: SNAP Claims

PROGRAMS: Supplemental Nutrition Assistance Program (SNAP)

EFFECTIVE: Immediately

**SECTIONS
AFFECTED: Claims 430-05-80, Types of Claims 430-05-80-10**

Clarification has been received for claims and intentional program violations (IPV). Policy has been updated to reflect these changes.

1. IPV's cannot be pursued against minors.
2. In order to ensure consistency in pursuing IPV's upon discovery across the state, each time a client error claim is established an IPV must be pursued or the case narrative must indicate why an IPV was not pursued.

Claims 430-05-80

Claims must be established for any household that received more SNAP benefits than it was entitled to receive or for benefits that are trafficked.

Exceptions:

1. **Claim for errors caused by the client must only be established for mandatory reportable changes.**

2. Claims must not be established when the only household members were under age 18 at the time the error occurred.

Examples:

1. Initial application for household consisting of Mom, age 17, and her child, age 3. The application is approved with no income. In month three, the worker discovers Mom had earned income at the time of application. No claim is established in this case as all household members were under age 18 at the time the error occurred. IPV can~~not~~ be pursued.
2. Review for household consisting of Mom, age 17 who is also disqualified for fraud (DF), and her child, age 3. The review is approved with no income. Two months later the worker discovers that Mom failed to report a new source of unearned income at application. No claim is established as all household members were under age 18 at the time the error occurred. An IPV can~~not~~ be pursued ~~since Mom is under the age of 18.~~

A claim is established by calculating and authorizing the overpayment and sending the appropriate notice to the household. Each person who was an adult member of the household when the overpayment or trafficking occurred is responsible for the repayment of the claim. Authorized representatives who actually traffic benefits are responsible for repayment of the claim.

If there is a change in household composition, counties can pursue collection action against any adult who was a member of the household at the time overissuance occurred.

At the time of certification outstanding claims against a household must be identified and appropriate action taken. The worker is responsible to identify outstanding claims at the time of certification by checking TECS claim alerts (SEOO function 2) and direct recoupment (DIRE).

Federal regulations prohibit benefit reduction of an initial benefit, a retroactive initial benefit, and a current month's supplemental benefits. TECS does not allow recoupment in these instances.

Exception:

TECS will recoup from an initial benefit when there has not been a break in participation from the previous month.

Example:

SNAP case closed January 31 for excess income. Household reapplies February 1 and is eligible. TECS will recoup from February benefits.

Types of Claims 430-05-80-10

All claims must be handled in one of the following three categories and claim codes on OVCA are listed:

1. An overissuance must be handled as an **inadvertent household error claim** when the household unintentionally failed to report or provide information. (CL)

Each time an inadvertent household error claim is established an IPV must be pursued. If an IPV is not pursued, the case narrative must be documented with the reason why an IPV was not pursued.

All errors pending IPV/court order decision must be established as an **inadvertent household error claim** until a signed decision is received.

2. An overissuance must be handled as an **administrative error claim** when the worker failed to take action on information reported or provided by the household. (AG)
3. An overissuance must be handled as a **IPV claim** only if an administrative disqualification hearing official or a court has determined that an individual committed an IPV or when an individual signs a deferred adjudication disqualification consent agreement. (FR)

A claim must be handled as an inadvertent household error until a signed decision is received.

If you have any questions, please contact your regional representative.