



## Ohio Administrative Code

### Rule 5101:1-23-75 Ohio works first and prevention, retention and contingency: assistance group ineligibility due to receipt of fraudulent assistance.

Effective: July 7, 2022

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#### (A) What is fraudulent assistance?

In accordance with section 5101.83 of the Revised Code, "fraudulent assistance" means assistance and services, including cash assistance provided under the Ohio works first (OWF) program established under Chapter 5107. of the Revised Code, or benefits and services provided under the prevention, retention and contingency (PRC) program established under Chapter 5108. of the Revised Code, to or on behalf of an assistance group that is provided as a result of fraud by a member of the assistance group, including an intentional violation of the program's requirements. Fraudulent assistance does not include assistance or services paid to or on behalf of an assistance group that is provided as a result of an error that is the fault of the county department of job and family services (CDJFS) or the Ohio department of job and family services (ODJFS).

#### (B) What is an intentional violation of the program's requirements?

(1) An intentional violation is defined as an act by an individual, for the purpose of establishing or maintaining the family's eligibility for OWF or PRC or for increasing or preventing a reduction in the amount of assistance, which is intentionally: a false or misleading statement or misrepresentation, concealment, or withholding of facts; or any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity.

(2) An intentional violation of the OWF or PRC program requirements can be established in one of four circumstances:

(a) A court of appropriate jurisdiction has found that the individual has committed a criminal offense connected to a violation of the OWF and/or PRC program requirements.

(b) An administrative disqualification hearing decision finds that the individual has committed an intentional program violation, as described in rules 5101:6-20-16 and 5101:6-20-17 of the



Administrative Code.

(c) The individual signs a waiver of the disqualification hearing described in rule 5101:6-20-30 of the Administrative Code.

(d) The individual signs a disqualification consent agreement as described in rule 5101:6-20-40 of the Administrative Code.

(C) What are the consequences of a determination of fraudulent assistance?

When a county agency director determines that an assistance group has received fraudulent assistance in accordance with the provisions described in paragraph (A) of this rule, the assistance group is ineligible to participate in the OWF program or the PRC program until a member of the assistance group repays the cost of the fraudulent assistance. Ineligibility as a result of one of the conditions described in paragraphs (B)(2)(a) to (B)(2)(d) of this rule begins not later than the first day of the second month following the issuance of the notice of disqualification for intentional program violation (i.e., the issuance of the JFS 04062, "Notice of Disqualification for Intentional Program Violation").

(D) How is receipt of fraudulent assistance handled when there is assistance group movement and children in the assistance group?

When the assistance group members are ineligible in accordance with the provisions described in paragraph (C) of this rule, the caretaker(s) and the child(ren) remain ineligible until the fraudulent payment is repaid. When the child(ren) subsequently cease to reside with the ineligible caretaker(s), the ineligibility period ceases for the child(ren).

(E) How is repayment of the fraudulent assistance handled?

When a member of the assistance group repays the cost of the fraudulent assistance, and the assistance group otherwise meets the eligibility requirements for the OWF or the PRC program, the assistance group shall not be denied the opportunity to participate in the program. The beginning date of aid for assistance group members ineligible due to this provision who reapply to participate



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in OWF can be as early as the date on which the cost of the fraudulent assistance is repaid in full, provided that an application for assistance is submitted and all other eligibility requirements are met as of that date.