



Ohio Administrative Code

Rule 5101:4-8-15 Food assistance: claims against assistance groups.

Effective: December 1, 2020

(A) The county agency shall establish and collect a claim against any assistance group that trafficked benefits or received more supplemental nutrition assistance program (SNAP) benefits than it was entitled to receive. A recipient claim is an amount owed because of overpaid benefits or benefits that are trafficked. Trafficking is defined in paragraph (J) of rule 5101:4-8-17 of the Administrative Code. Prompt corrective action to prevent further overpayment is required. A SNAP claim is a federal debt subject to this rule and other regulations governing federal debts. This rule describes the three types of claims and the procedures the county agency shall follow when handling these claims.

(B) Who is responsible for paying a claim?

(1) Each person who was an adult member of the assistance group when the overpayment or trafficking occurred. For collection purposes, an adult is an individual age eighteen or older at the time of the overpayment, except for individuals under the age of twenty-two living in the home of their parent(s). Additionally, collection is required from individuals under the age of eighteen when the individual is the head of the assistance group or the only person in the assistance group.

(2) Any person connected to the assistance group, such as an authorized representative, who actually trafficks or otherwise causes an overpayment or trafficking.

(3) A sponsor of an alien household member when the sponsor is at fault or contributed to the claim.

(4) When a change in assistance group composition occurs, county agencies may pursue collection action against any assistance group that includes a member who was an adult member of the assistance group that received the overpayment. The county agency may also offset the amount of the claim against restored benefits owed to any assistance group containing a member who was an adult member of the original assistance group at the time the overpayment occurred.



(C) What are the three types of claims?

(1) Intentional program violation claim: any claim for an overpayment or trafficking resulting from an individual committing an intentional program violation. An intentional program violation is defined in paragraph (B) of rule 5101:6-20-02 of the Administrative Code.

(2) Inadvertent household error claim: any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the assistance group.

(3) Agency error claim: any claim for an overpayment caused by an action or failure to take action by the county agency.

(D) When is a claim considered an intentional program violation?

A claim shall be handled as an intentional program violation claim when the overpayment or trafficking consisted of the individual intentionally:

(1) Making a false or misleading statement, or misrepresenting, concealing or withholding facts; or

(2) Committing any act constituting a violation of the Food and Nutrition Act of 2008, the SNAP program regulations, or any state statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of SNAP benefits, or the electronic benefit transfer (EBT) card.

(E) What instances require an intentional program violation determination?

A claim shall be handled as an intentional program violation claim only when an individual is disqualified as a result of:

(1) An administrative disqualification hearing;

(2) A determination by a federal, state, or local court;

(3) Signing the JFS 04026 "Waiver of Administrative Disqualification Hearing; or



(4) Signing the JFS 04027 "Disqualification Consent Agreement" in cases referred for prosecution.

(F) When is a claim considered an inadvertent household error?

A claim shall be handled as an inadvertent household error claim when the overpayment was caused by:

(1) A misunderstanding or unintended error on the part of the assistance group;

(2) A misunderstanding or unintended error on the part of a categorically eligible assistance group provided a claim can be calculated based on a change in net income and/or assistance group size; or

(3) Social security administration action or failure to take action resulting in the assistance group's categorical eligibility, provided a claim can be calculated based on a change in net income and/or assistance group size.

(G) What instances require an inadvertent household error claim determination?

Instances of an inadvertent household error that may result in a claim include, but are not limited to, the following;

(1) The assistance group unintentionally failed to provide the county agency with correct or complete information;

(2) The assistance group unintentionally failed to report to the county agency changes in its circumstances that it was required to report; or

(3) The assistance group unintentionally received benefits or more benefits than it was entitled to receive pending a fair hearing decision because the assistance group requested a continuation of benefits based on the mistaken belief it was entitled to such benefits.

(H) When is a claim considered an agency error?



A claim shall be handled as an agency error claim when the overpayment was caused by county agency action or failure to take action, or, in the case of categorical eligibility, an action by a county agency or the state or local government resulting in the assistance group's improper eligibility for public assistance provided a claim can be calculated based on a change in net income and/or assistance group size.

(I) What instances require an agency error claim determination?

Instances of an agency error that may result in a claim include, but are not limited to, the following:

The county agency:

- (1) Failed to take prompt action on a change reported by the assistance group;
- (2) Incorrectly computed the assistance group's income or deductions, or otherwise assigned an incorrect allotment;
- (3) Incorrectly issued a duplicate EBT card to an assistance group and the card was subsequently transacted;
- (4) Continued to provide the assistance group with SNAP benefits after its certification period expired and no reapplication interview was conducted; or
- (5) Failed to provide an assistance group a reduced level of SNAP benefits because its public assistance grant changed.

(J) When is a claim determination not required?

A claim shall not be established when an overpayment occurred due to the agency's failure to ensure the assistance group fulfilled the following:

- (1) Signed the application form;



(2) Completed current work registration; or

(3) Was certified in the correct county.

(K) How is a claim documented against an assistance group?

(1) The JFS 07424 "Reporting of Claim Determination/Lost Benefits" shall be completed on all SNAP claims including trafficking related claims.

(2) All JFS 07424 forms shall be completed and properly filed at the county agency. The county department of job and family services director or designee is responsible for reviewing and approving all claims regardless of the amount.

(3) Prompt corrective action to prevent a further overpayment is required.

(L) What is the claim management process and what are the time frames for establishing claims?

(1) Within three months of the complaint, the county agency shall screen to determine when a potential claim exists. When a potential claim exists the claim shall be logged into the statewide automated eligibility system. The date the complaint is entered into the system is the "discovery or referral date" unless the referral of a potential claim is based on a quality control finding as set forth in paragraph (L)(3) of this rule.

(2) When a potential claim exists, within five months of the "discovery or referral date", the county agency shall investigate, obtain verification, calculate the claim and mail the initial demand notice which is the "established date" unless a potential intentional program violation exists. When a potential intentional program violation exists the claim shall be referred to the county prosecutor or the Ohio department of job and family services (ODJFS) bureau of state hearings for an administrative disqualification hearing within three months of the date the claim is calculated. Once the decision is rendered, the initial demand notice is issued.

(3) For potential claims based on quality control findings, within ten business days after receiving



the quality control finding the county agency shall enter the potential claim into the statewide automated eligibility system. This is the "discovery or referral date". The county agency shall investigate, obtain verification, calculate the claim, and mail the initial demand notice within five months of the referral date.

(4) The county agency shall ensure that no less than ninety per cent of all claim referrals are either established or disposed of according to the above time frames.

(M) What is the process when it is determined that internal fraud or gross negligence has occurred during the county certification process?

When it is determined by the United States department of agriculture (USDA), or ODJFS in conjunction with USDA, that there has been gross negligence or fraud on the part of the county agency in the certification of assistance groups or the issuance of SNAP benefits, the county agency will be liable for the dollar amount of benefits issued as the result of such negligence or fraud.