



Ohio Administrative Code

Rule 5101:6-20-03 State hearings: penalties for intentional program violation.

Effective: March 1, 2019

(A) Under the provisions of rule 5101:6-20-01 of the Administrative Code, individuals who have been found to have committed an intentional program violation (IPV) either through an administrative disqualification hearing, a federal, state, or local court, or who have signed either a waiver of right to an administrative disqualification hearing, or a disqualification consent agreement in cases referred for prosecution shall be ineligible for the following periods:

(1) Disqualified from Ohio works first (OWF) or prevention, retention and contingency (PRC) until the cost of the fraudulent assistance is repaid in full.

(2) Disqualified from the supplemental nutrition assistance program (SNAP) for twelve months for the first violation except as provided in paragraphs (A)(5) to (A)(8) of this rule.

(3) Disqualified from SNAP for twenty-four months for the second violation except as provided in paragraphs (A)(5) to (A)(8) of this rule.

(4) Disqualified from SNAP permanently for the third violation except as provided in paragraphs (A)(5) to (A)(8) of this rule.

(5) Court conviction: controlled substance violation

Individuals found by a federal, state, or local court to have used or received SNAP benefits in a transaction involving the sale of a controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802 (as in effect on October 1, 2018)) shall be ineligible to participate in the program for a period of twenty-four months upon the first occasion of such a violation and permanently upon the second occasion of such a violation.

(6) Trafficking SNAP benefits of five hundred dollars or more



An individual shall be permanently disqualified if he/she is convicted by a federal, state, or local court of trafficking SNAP benefits for an aggregate amount of five hundred dollars or more.

For purposes of this rule, "trafficking" is defined as fraudulently using, transferring, altering, acquiring or possessing SNAP benefits or presenting SNAP benefits for payment or redemption knowing the same to have been fraudulently obtained or transferred for cash or consideration other than eligible food. "Acquiring SNAP benefits" does not include providing false information as part of the certification, reapplication, or reporting changes processes.

(7) Court conviction: firearms, ammunition, or explosives violation

Individuals found by a federal, state, or local court to have used or received SNAP benefits in a transaction involving the sale of firearms, ammunition, or explosives shall be permanently ineligible to participate in the program upon the first occasion of such violation.

(8) Receipt of multiple benefits simultaneously

An individual shall be ineligible to participate in SNAP for a ten-year period if the individual is found, through an administrative disqualification hearing, a federal, state, or local court, or who has signed either a waiver of right to administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, of having made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple benefits simultaneously under SNAP.

(B) The same act of an intentional program violation repeated over a period of time shall not be separated so that separate penalties can be imposed.

(C) For SNAP, only the individual found to have committed an intentional program violation shall be disqualified, and not the entire assistance group, but for PRC and OWF assistance groups determined to have received fraudulent assistance, all individuals who were members of the assistance group at the time of receipt of the fraudulent assistance shall be disqualified.

(D) During the disqualification period, the disqualified individual's needs shall not be taken into



account in determining the assistance group's eligibility or amount of assistance; however, all income and resources of the disqualified individual shall be considered available to the assistance group.

(E) The disqualification period shall begin as specified in rule 5101:6-20-17, 5101:6-20-30, 5101:6-20-40, or 5101:6-20-50 of the Administrative Code, as applicable, regardless of whether the individual is eligible for the program at that time.

(F) Once a disqualification penalty has been imposed against a currently eligible individual, it shall continue uninterrupted until complete regardless of the eligibility of the disqualified individual's assistance group.

(G) Any period for which a disqualification penalty is imposed shall remain in effect, without possibility of an administrative stay, unless and until the finding upon which the penalty was based is reversed by a court of appropriate jurisdiction.

(H) The disqualified individual and each person who was an adult member of the disqualified individual's assistance group, if any, shall continue to be responsible for repayment of the overpayment/overissuance which resulted from the individual's intentional program violation, regardless of their current eligibility for program benefits.

(I) The disqualification of an individual for an intentional program violation in one county or state is valid in another county or state.