



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #04-13-OPE (This Policy Directive Replaces PD #00-17)

FRAUD REFERRALS TO BFI

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| Date: April 30, 2004 | Subtopic(s): Referrals to BFI |
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AUDIENCE

This policy directive is for all staff in the Job and Non Public Assistance (NPA) Food Stamp (FS) Centers and is informational for all others.

POLICY

Social services agencies are required to implement measures that are designed to prevent, detect and report fraud. Fraud is the willful intent to misrepresent, conceal or withhold facts for the purpose of obtaining social service benefits. In the Human Resources Administration (HRA), the Bureau of Fraud Investigation (BFI) investigates complaints of Public Assistance (PA), Food Stamp (FS) and Medical Assistance (MA) fraud received from participants, staff and other persons.

BACKGROUND

The Welfare Fraud pamphlet (**W-151M**), which explains how fraud affects all individuals in receipt of public benefits, is included in all application kits. As a preventive measure against fraud, all PA applicants are sent to and screened by the Bureau of Eligibility Verification (BEV). In addition, staff must use the Referral for Fraud Investigation (form **BFI-14**) to report **suspected** fraudulent activities of PA participants and NPA FS applicants/participants. The **BFI-14** is now automated and is available on the HRA Intranet. It will be available in the Paperless Office System (POS) on May 24, 2004.

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 2 at the prompt followed by 765 or
send an e-mail to *FIA Call Center*

REQUIRED ACTION

Whenever a Worker in the Job Center or Non-Public Assistance (NPA) Food Stamp (FS) Center suspects that an PA participant or an NPA FS applicant/participant is concealing information in order to qualify for or obtain benefits, s/he must refer the case to BFI using the **BFI-14** referral form.

Manual referral to BFI

When manually completing the **BFI-14**, the Worker must select the appropriate area of suspected fraud:

- Unreported employment
- Unreported person in the household
- Unreported resources (house, car, boat, etc.)
- Questionable documents or information (birth certificate, Social Security number, etc.)
- Other (fraud against the participant)

In the details section make specific notations as to the details of the claim. Once the **BFI-14** has been completed, attach all relevant documentation and forward to BFI at the address listed on the referral form.

File a copy of the **BFI-14** in the case record and make an entry detailing the circumstances of the referral.

Automated referral to BFI

To make a fraud referral to BFI using the automated referral form on the HRA Intranet, Workers must proceed as follows:

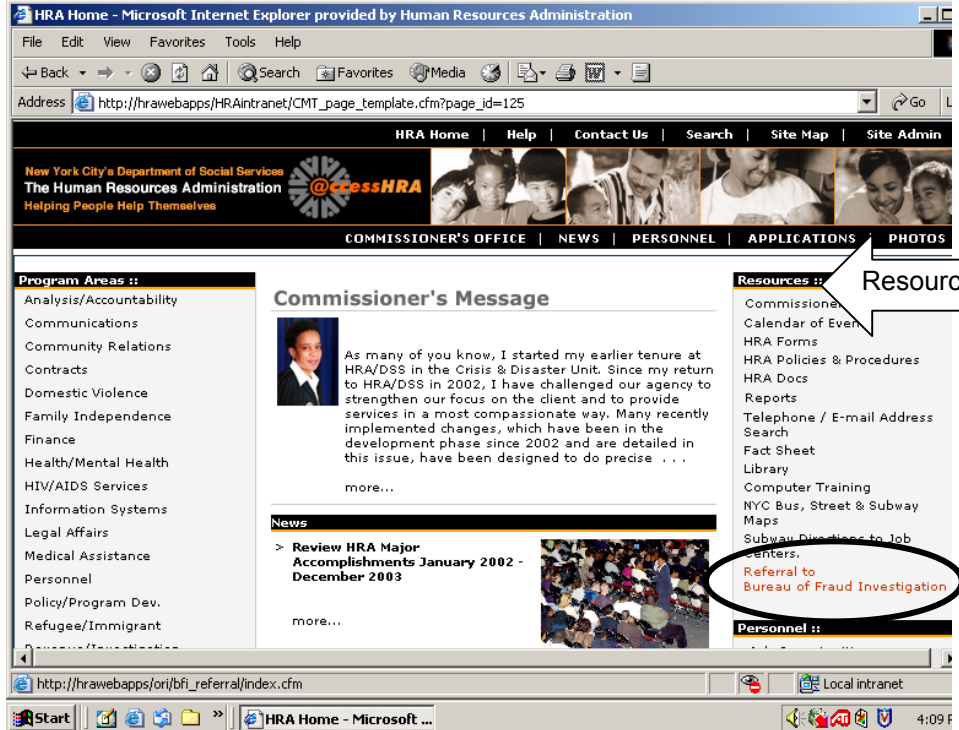
Desktop icon

- On the personal computer (PC) desktop, double-click on Internet Explorer to access the HRA Intranet home page. In POS Centers, minimize POS and then double-click on Internet Explorer.



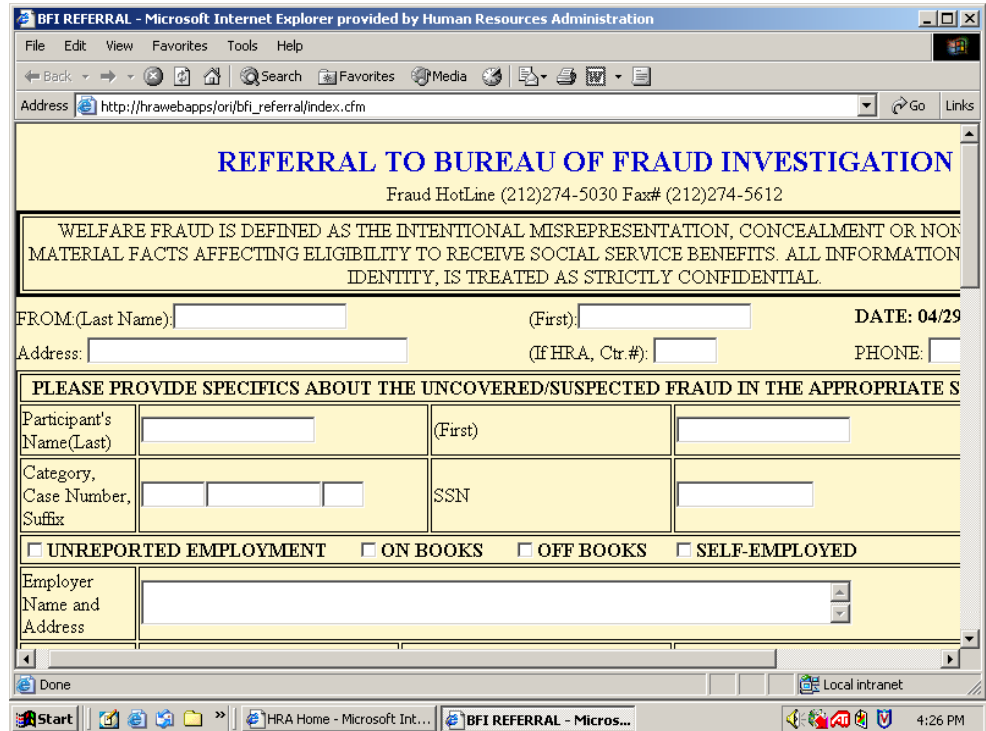
HRA Intranet home page

- On the HRA Intranet home page, go to the **Resources** box on the right-hand side of the screen and click on “Referral to Bureau of Fraud Investigation.”



- When the form screen opens, maximize the window to view the whole screen.

Referral to Bureau of Fraud Investigation form



- At the top of the form, enter information about the person making the complaint, including the person’s:
 - last and first name
 - address; and
 - telephone number.
- If the complaint is coming from an NPA FS Center or a Job Center, also be sure to enter the Center Number.
- In the next section, enter information about the individual suspected of fraud, including his/her:
 - last and first name
 - case category (if there is one)
 - case & suffix numbers
 - Social Security number
- Click to add a check mark describing the type of suspected fraud. Fraud options include:
 - Unreported employment
 - Unreported person in household
 - Unreported resources
 - Not living at address of record
 - Questionable documents
 - Prescription drug fraud
 - Child care provider not providing service (babysitting)
 - Electronic benefits transfer
 - Other

Uncovered/Suspected Fraud section

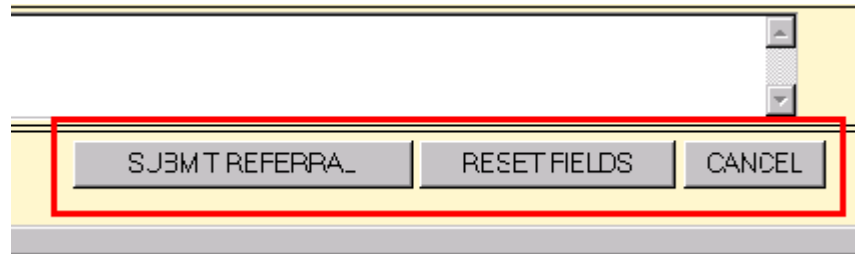
Please note: a referral for fraud perpetrated against an applicant/ participant should be recorded in the Other category.

BFI form

| | | | | | | | | |
|---|----------------------|----------------------|-----------------------------------|----|----------------------|-----------------------------|--|--|
| <input type="checkbox"/> UNREPORTED EMPLOYMENT | | | <input type="checkbox"/> ON BOOKS | | | <input type="checkbox"/> OF | | |
| Employer Name and Address | | | | | | | | |
| Employment Period: | from | <input type="text"/> | | to | <input type="text"/> | | | |
| <input type="checkbox"/> UNREPORTED PERSON IN HOUSEHOLD | | | | | | | | |
| Last Name: | <input type="text"/> | | | | First Name: | <input type="text"/> | | |
| <input type="checkbox"/> UNREPORTED RESOURCES | | | | | | | | |

- Enter as much information as possible in the space provided under the checkbox for the chosen fraud option.
- After completing the form, review the information and choose one of the options listed at the bottom of the form by pressing the appropriate button:
 - SUBMIT REFERRAL;
 - RESET FIELDS; or
 - CANCEL submission.

Submit, Reset Fields and Cancel section



Once the fraud referral has been made, Workers must make an entry in the case record indicating the action taken and why. In POS Centers, to enter comments, click on the case comments icon or press <ALT>M on the keyboard.

If there are scanned documents relevant to the fraud referral in the electronic case record, e-mail them and include the case name and number, the Center name and number, the Worker’s phone number and a list of the relevant documents to:

BFIFraudRelevantDocuments@hra.nyc.gov

Do not tell the applicant/participant that a fraud referral was made.

When making a referral to BFI, whether manual or automated, the applicant/participant must not be informed.

In addition, Workers are reminded that the **BFI-14** must not be used to report recoupments resulting from an untimely report of new income, a change in income or changes in household composition.

If fraud is established as a result of this referral, refer to PD #00-18R on Intentional Program Violations (IPV).

**PROGRAM
IMPLICATIONS**

Food Stamp
Implications

Food Stamp cases must not be referred to BFI for failing to report information or changes that they are not required to report under Food Stamp program rules. For example, an employed Food Stamp participant is subject to Food Stamp six-month reporting rules and, unless total household income exceeds 130% of the federal poverty level, is not required to report an increase in earnings until recertification or at the six-month contact.

**LIMITED ENGLISH
SPEAKING
ABILITY (LESA)
IMPLICATIONS**

For Limited English Speaking Ability (LESA) applicants/participants, make sure to obtain appropriate interpreter services in accordance with Policy Directive #02-43-OPE. Supervisors must also ensure that the following actions are taken:

- At application/recertification, that the applicant/participant submits a completed Language Questionnaire (**W-680FF**) and that his/her language is correctly recorded in WMS.
 - Selected forms have been translated and are available on the FIAweb in Arabic, Chinese, Haitian Creole, French, Korean Russian, Vietnamese and Yiddish (in addition to Spanish).
 - For POS Centers, when a multilingual form is not available in POS, a manual form is completed. When imaging forms for the case record, make sure to include both the English and the translated version of the form. The **W-680FF** must be included in the imaged case record.
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**FAIR HEARING
IMPLICATIONS**

Avoidance/
Resolution

Applicants/participants may request a Fair Hearing if they feel that their cases have been improperly rejected/closed.

Supervisors must ensure completeness of notices.

Supervisors must ensure that notices have been properly completed to include a clear explanation of the reason for the reject/closing and the law and regulations that support the action. Supervisors must also ensure that the correct rejection (denial)/closing code is used.

Conference at the Job Center

If a participant comes to the Job Center and requests a conference, the Receptionist must alert the Fair Hearing and Conference (FH&C) unit that the participant is to be seen by a FH&C Supervisor I/Associate Job Opportunity Specialist I (AJOS I). If the participant calls the FH&C Supervisor I/Associate Job Opportunity Specialist I (AJOS I) directly, the Job Opportunity Specialist (JOS/Worker) must tell the participant to go to the Receptionist to be referred to FH&C.

The FH&C Supervisor AJOS I will listen to and evaluate the participant's complaint regarding the closing of the case. After reviewing the case and discussing the issue with the Group Supervisor, the FH&C Supervisor I/AJOS I will make a decision. The FH&C Supervisor I/AJOS I is responsible for ensuring that the Fair Hearing request is properly controlled and the appropriate follow-up is taken in all phases of the Fair Hearing process.

Conference at the NPA FS Center

If an applicant/participant comes to the Food Stamp Center and requests a conference, the Receptionist must alert the Center Director's designee that the individual is to be seen.

If the applicant/participant calls the Worker directly, s/he must tell the applicant/participant to call the Center Director's designee. The Center Director's designee will listen to and evaluate the applicant's/participant's complaint regarding the Food Stamp denial/discontinuance or reduction. The Director's designee will review the case record and make a decision.

The Director's designee is responsible for ensuring that further appeal by the applicant/participant through a Fair Hearing request is properly controlled and that appropriate follow-up is taken in all phases of the Fair Hearing process.

Evidence Packets

All evidence packets must contain:

- Fraud Referral Form (**BFI-14**)
- All documents supporting the reason for referral

RELATED ITEMS PD #00-18R

REFERENCES 18 NYCRR 348.1–348.6
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