



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #07-03-OPE

(This Policy Directive Replaces PD #04-13-OPE)

FRAUD REFERRALS TO BFI

Date: February 2, 2007	Subtopic(s): Referrals to BFI
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REVISIONS TO ORIGINAL DIRECTIVE

This policy directive has been revised to reflect the following changes:

- The process for manually completing the Bureau of Fraud Investigation (BFI) referral form, the Referral to Bureau of Fraud Investigation (**BFI-14**), should be used only if the automated system is not available.
- A new process has been created to include supervisory review of referrals sent to BFI by the Supervisor I/Associate Job Opportunity Specialist I (AJOS I) in Job Centers or Principal Administrative Associate I (PAA I) in Non-Public Assistance Food Stamp (NPA FS) Offices.
- The Administrative Assistant (AA) to the Director in Job Centers and the Assistant Site Manager in NPA FS Offices will complete the automated **BFI-14** or submit a paper copy if the automated system is unavailable for more than 24 hours, then forward and maintain a log of all referrals sent to BFI.
- The BFI Fraud Referral Log (**W-400B**) was created for use with this process.

AUDIENCE

This policy directive is for all staff in Job Centers and NPA FS Offices and is informational for all others.

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*

POLICY

Social service 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

Workers in Job Centers and NPA FS Offices are required to report all suspected fraudulent activity on the part of any PA or NPA FS applicant/participant. The **BFI-14** was developed specifically for this purpose.

New information

BFI has instituted a change in the process for reporting fraud. Effective immediately, Workers will no longer complete the **BFI-14** and forward it to BFI. All fraud referrals must first be discussed with the Worker’s Supervisor, who will forward all available information to the Center Director’s Administrative Assistant (AA) or the Assistant Site Manager (in NPA FS Offices) for referral to BFI. The AA/Assistant Site Manager will follow the automated process to complete the **BFI-14** and maintain a log of the referrals on the **W-400B**, then forward them to BFI. A paper copy of the **BFI-14** must be used if the automated system is unavailable.

REQUIRED ACTION

Whenever a Worker in a Job Center or NPA FS Office suspects that a PA or NPA FS applicant/participant is concealing documents or information in order to qualify for or obtain benefits, s/he must:

New information

- obtain copies of all questionable documents or information;
- Scan all non-POS-generated forms and notices that are signed by the individual, except domestic violence–related documents, into the electronic case record;
- discuss the situation with the Supervisor I/AJOS I/PAA I; and
- make an entry in the applicant/participant’s case record.

The Worker must not:

- inform the applicant/participant that a referral is being made;
- refer recoupments resulting from an untimely report of new income, a change in income or changes in household composition.

The Supervisor I/AJOS I/PAA I must:

- verify that the request for a referral to BFI is for a legitimate reason;
- ensure that all necessary documents or information for the request is obtained;
- inform the AA/Assistant Site Manager of the request for referral to BFI;
- give the AA/Assistant Site Manager all pertinent documents supporting the request.

The AA/Assistant Site Manager must:

- review all documents or information to support a referral to BFI;
- ensure the referral is appropriate;
- maintain a log of all referrals;
- follow the automated process to complete the **BFI-14**, to submit a report of suspected fraud to BFI using the HRA Intranet or the Paperless Office System (POS).

Automated referral to BFI

Using the Automated Referral Form on the HRA Intranet

To make a fraud referral to BFI, the AA to the Center Director/Assistant Site Manager must proceed as follows:

Desktop icon

- On the personal computer (PC) desktop, double-click on “Internet Explorer” to access the HRA Intranet home page.



HRA Intranet home page

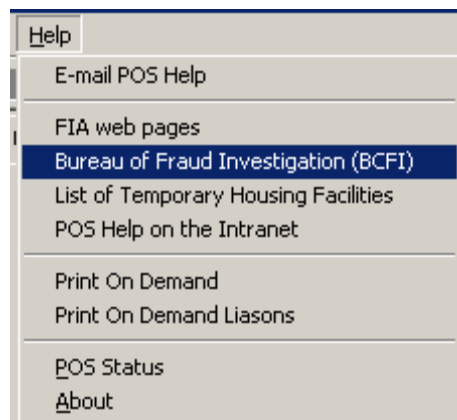
- On the HRA Intranet home page, click on the **Report Fraud to BFI** box, on the left-hand side of the screen.



Using the Automated Referral Form from POS

If in POS, the AA/Assistant Site Manager may:

- minimize POS, then double-click on "Internet Explorer" on the desktop (previous instructions); or
- use the Bureau of Fraud Investigation (BCFI) option on the **Help** menu to bring up the **BFI-14**. This will open the **BFI-14** in an Internet Explorer window.



Whether using the HRA Intranet or POS, the form screen will open.

Referral to Bureau of Fraud Investigation form

Proceed as follows:

- At the top of the form, enter the following information about the person making the complaint:
 - last and first name;
 - address; and
 - telephone number.
- If the complaint is coming from an NPA FS Office or Job Center, also be sure to enter the Office/Center number.
- In the next section, enter information about the individual suspected of fraud, such as his/her:
 - last and first name;
 - case category (if there is one);
 - case and suffix numbers;
 - Social Security number.

Uncovered/Suspected Fraud section

- 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
 - Other (including fraud perpetrated against the participant)

BFI form

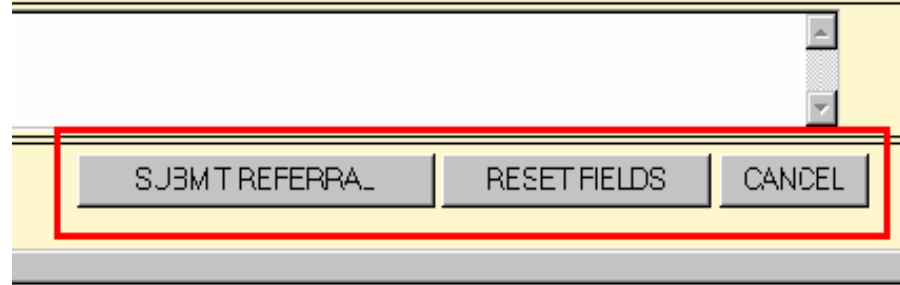
<input type="checkbox"/> UNREPORTED EMPLOYMENT			<input type="checkbox"/> ON BOOKS			<input type="checkbox"/> OF		
Employer Name and Address								
Employment Period:			from			to		
<input type="checkbox"/> UNREPORTED PERSON IN HOUSEHOLD								
Last Name:						First Name:		
<input type="checkbox"/>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

- Enter as much information as possible for the chosen fraud option in the space provided under the checkbox.


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 AA/Assistant Site Manager’s phone number and a list of the relevant documents to: BFIFraud@hra.nyc.gov.

- 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.

Submit Referral, Reset Fields and Cancel section



Case notes must be imaged and indexed if captured on a separate, paper form.

- Once the fraud referral has been made, an entry in the applicant/participant’s case record indicating the action taken and why must be made.
- Entries to the electronic case record made through POS are done by clicking on the case comments icon  or typing <ALT>M on the keyboard.

New information

- Complete the paper copy of the **BFI-14** if the automated referral system is unavailable for more than 24 hours, and forward it to the Office of Revenue and Investigation, Bureau of Fraud Investigation, Intake Unit, 3rd Floor, 250 Church Street, New York, NY 10013.

New information

- Record the case information on the new BFI Referral Log (**W-400B**), created for tracking referrals sent to BFI.

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

PROGRAM IMPLICATIONS

Model Office Implications

There are no Model Office implications.

Paperless Office System (POS) Implications

There are no additional POS implications.

Food Stamp Implications

Food Stamp cases must not be referred to BFI when a participant fails to report information or changes s/he is 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 percent of the Federal poverty level, is not required to report an increase in earnings until recertification or at six-month contact.

Medicaid Implications

There are no Medicaid implications.

LIMITED ENGLISH SPEAKING ABILITY (LESA) AND HEARING IMPAIRED IMPLICATIONS

For Limited English Speaking Ability (LESA) and hearing-impaired applicants/participants, make sure to obtain appropriate interpreter services in accordance with Policy Directive #06-12-OPE and Policy Directive #06-13-OPE.

FAIR HEARING IMPLICATIONS

Avoidance/Resolution

Applicants whose request for assistance is denied and participants whose benefits are reduced or discontinued are entitled to request a Fair Hearing.

Conference at the Job Center

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS/Supervisor I at any time. If an applicant/participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen. In Model Offices, the Receptionist at Main Reception will issue an FH&C ticket to the applicant/participant to route him/her to the FH&C Unit and does not need to verbally alert the FH&C Unit staff.

The FH&C AJOS/Supervisor I will listen to and evaluate any material presented by the applicant/participant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS/Supervisor I will explain the reason for the Agency's action(s) to the applicant/participant.

If the determination is that the applicant/participant has presented good cause for the infraction or that the outstanding Notice of Intent needs to be withdrawn for other reasons, the FH&C AJOS/Supervisor I will settle in conference (SIC), enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken. In addition, if the adverse case action still shows on the "Pending" (**08**) screen in WMS, the AJOS/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form (**LDSS-3722**), change the **02** to an **01** if the case has been granted aid continuing (ATC), or prepare and submit a PA Recoupment Data Entry Form (**LDSS-3573**) to delete a recoupment. The AJOS/Supervisor I must also complete a Conference Report (**M-186a**).

If a determination is made that the applicant/participant has not shown good cause for the infraction or that the Agency's action(s) should stand, the AJOS/Supervisor I will explain to the applicant/participant why s/he cannot settle the issue(s) in conference (SIC). The AJOS/Supervisor I must also complete an **M-186a**.

Should the applicant/participant elect to continue his/her appeal by requesting or proceeding to a Fair Hearing, already requested, the FH&C AJOS/Supervisor I is responsible for ensuring that further appeal is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Conference at the NPA FS Office

If an applicant/participant comes to the NPA Food Stamp Office and requests a conference, the Receptionist must alert the Site Manager's designee that the applicant/participant is to be seen. If the applicant/participant contacts the Eligibility Specialist directly, advise the applicant/participant to call the Site Manager's designee. In Model Offices, the Receptionist at Main Reception will issue a FS Conf/Appt/Problem ticket to the applicant/participant to route him/her to the NPA Reception area and does not need to verbally alert the Site Manager. The NPA Receptionist will alert the Site Manager once the applicant/participant is called to the NPA Reception desk.

The Site Manager’s designee will listen to and evaluate the applicant/participant’s complaint regarding the case closing. The applicant/participant must provide current verification of address to resolve the issue. After reviewing the documentation, case record and discussing the issue with the Group Supervisor/Eligibility Specialist, the Site Manager’s designee will make a decision. The Site Manager’s designee will decide to resolve or defend the case based on all factors and on whether the case was closed correctly. The Site Manager’s designee is responsible for ensuring that any further appeal by the applicant/participant through a Fair Hearing request is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.


Evidence Packets All evidence packets must contain:

- **BFI-14**
- All documents supporting the reason for referral

RELATED ITEMS [PD #00-18R](#)

REFERENCES [18 NYCRR 348.1–348.6](#)
SSL 145

ATTACHMENTS

 Please use Print on Demand to obtain copies of forms.

BFI-14	Referral to Bureau of Fraud Investigation (Rev. 5/13/02)
W-400B	BFI Fraud Referral Log

REFERRAL to BUREAU OF FRAUD INVESTIGATION

Fraud Hotline (212) 274-5030 Fax # (212) 274-5612

WELFARE FRAUD IS DEFINED AS THE INTENTIONAL MISREPRESENTATION, CONCEALMENT OR NONDISCLOSURE OF MATERIAL FACTS AFFECTING ELIGIBILITY TO RECEIVE SOCIAL SERVICE BENEFITS.

TO: **OFFICE OF REVENUE AND INVESTIGATION, BUREAU OF FRAUD INVESTIGATION**
INTAKE UNIT, 250 CHURCH STREET, NEW YORK, NY 10013, 3RD FLOOR

FROM: **CENTER** _____ # _____ DATE _____

WORKER NAME _____ **TITLE** _____ **PHONE** _____ **CASELOAD** _____

PLEASE PROVIDE SPECIFICS ABOUT THE UNCOVERED/SUSPECTED FRAUD IN THE APPROPRIATE SECTION(S) BELOW AND ATTACH COPIES OF ALL RELEVANT DOCUMENTS.

PLEASE PRINT ALL INFORMATION

Participant's Name (Last) _____ (First) _____

Category, Case Number Suffix _____ SSN _____

UNREPORTED EMPLOYMENT ***On Books*** ***Off Books*** ***Self-Employed***

Employer Name and Address _____

UNREPORTED PERSON IN HOUSEHOLD

Last Name _____ First _____ Relationship to Participant _____

UNREPORTED RESOURCES Give Name/Address of Financial Institution, amount, account # if known:

NOT LIVING AT ADDRESS OF RECORD Give actual home address if known:

QUESTIONABLE DOCUMENT(S) Give type of document and reason it is questionable:

OTHER (Including Fraud perpetrated against Participant):

DETAILS Describe how Fraud was uncovered. Indicate any actions taken.

USE REVERSE SIDE IF NECESSARY

