



Date: December 14, 2022

DMS Operations Memo 22-32

To: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff

Affected Programs:

- | | |
|---|--|
| <input type="checkbox"/> BadgerCare Plus | <input type="checkbox"/> Caretaker Supplement |
| <input checked="" type="checkbox"/> FoodShare | <input type="checkbox"/> FoodShare Employment and Training |
| <input type="checkbox"/> Medicaid | |
| <input type="checkbox"/> SeniorCare | |

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**Policy Clarification on FoodShare Intentional Program Violation (IPV) for
Misrepresentation of Identity or Place of Residence**

CROSS REFERENCE

- FoodShare Wisconsin Handbook, [3.14.1 Intentional Program Violation \(IPV\) Disqualification](#)

EFFECTIVE DATE

N/A

PURPOSE

In this memo, DHS clarifies what fraudulent actions taken by a FoodShare applicant or member would warrant a 10-year disqualification. The underlying policy regarding intentional program violations (IPVs) remains the same.

BACKGROUND

Current Wisconsin FoodShare policy states an applicant or member commits an Intentional Program Violation (IPV) when they intentionally:

- Make a false or misleading statement or misrepresent, conceal, or withhold facts, including but not limited to their identity, who they are living with, or which state they live in, to become eligible or to remain eligible for benefits; or

- Commit any act that constitutes a violation of the Food and Nutrition Act of 2008, the Supplemental Nutrition Assistance Program Regulations, or any Wisconsin statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking of FoodShare benefits or QUEST cards.

In addition, a person who makes a false or misleading statement, or misrepresents, conceals or withholds facts with respect to their identity or place of residence in order to simultaneously receive Wisconsin FoodShare benefits and SNAP benefits from any other state shall be ineligible for a period of 10 years.

Before imposing the 10-year disqualification period:

- A finding of fraud must be made by a state agency, or
- A conviction of fraud must be entered by a state or federal court.

The administrative disqualification hearing process, including the offer to sign the Waiver of Administrative Disqualification Hearing ([F-16039](#)), may be used for imposing this penalty.

POLICY

A person who makes a false or misleading statement, or misrepresents their identity or place of residence in order to simultaneously receive Wisconsin FoodShare benefits and SNAP benefits from any other state or territory shall be ineligible for a period of 10 years.

In order to apply a 10-year disqualification penalty, the state agency needs to prove with the support of clear and convincing evidence that a person made a fraudulent statement or misrepresented their identity or place of residence while applying for or participating in Wisconsin FoodShare in order to receive multiple SNAP benefits simultaneously.

Before imposing the 10-year disqualification period:

- A finding of fraud must be made by a state agency, or
- A conviction of fraud must be entered by a state or federal court.

The administrative disqualification hearing process, including the offer to sign the Waiver of Administrative Disqualification Hearing ([F-16039](#)), may be used for imposing this penalty.

Duplicate participation in SNAP benefits itself does not support the application of a 10-year program disqualification. For example, if a member is residing in Wisconsin and applies for benefits in Wisconsin and it is later determined that they are also receiving benefits in another state, that does not constitute intent. There must be clear and convincing evidence that the person misrepresented or falsified their identity or place of residence in order to receive SNAP and/or FoodShare in more than one household.

If there is not clear and convincing evidence that the person misrepresented or falsified their identity or place of residence, but there is clear and convincing evidence that an IPV occurred, the standard period of ineligibility would apply (See [FoodShare Handbook 3.14.1.1 #'s 1, 2, and 3](#)).

Example 1: Laverne moves to Wisconsin from California and applies for FoodShare. During her FoodShare interview, the IM worker asks her if she received SNAP while living in another state or territory. Laverne tells the agency worker that she did not. Laverne completes her FoodShare interview, and the IM worker determines that she is eligible and approves her application.

Several months later, a report is made to the agency that when Laverne applied for FoodShare after moving to Wisconsin, she was still receiving SNAP in California, and she received benefits from both Wisconsin and California for several months.

An investigation finds that Laverne provided false information during her FoodShare interview and did receive both Wisconsin FoodShare and SNAP benefits in California for the same months. The agency determines that Laverne broke the program rules by falsely reporting that she was not receiving SNAP benefits in another state or territory during her application and requests an administrative disqualification hearing. Laverne did not misrepresent her identity or place of residence when she applied for Wisconsin FoodShare.

The Administrative Law Judge finds that Laverne must be sanctioned from participating in the program for one year since this is her first IPV offense and she received benefits from two different states at the same time.

Example 2: Joey completes an ACCESS application for FoodShare. He reports he just moved to Wisconsin from Idaho, is living with his brother, and that he had been receiving SNAP in Idaho but that his benefits had ended several months ago because he no longer needed them. Joey's application is approved, and he is issued FoodShare benefits.

The next month, the agency receives a report that shows Joey received SNAP in Idaho and FoodShare in Wisconsin in the same month. The agency investigates and finds that Joey never moved to Wisconsin. The investigator confirmed this information with Joey and Joey's brother.

The investigation finds that Joey broke the program rules and requests an administrative disqualification hearing. The agency has clear and convincing evidence that Joey lied about his place of residence when he applied for FoodShare.

Even though this is Joey's first IPV, the Administrative Law Judge finds that Joey must be sanctioned from participating in the program for ten years due to misrepresenting his place of residence in order to receive FoodShare and SNAP in another state or territory for the same period.

CONTACTS

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