



Ohio Administrative Code

Rule 5101:4-8-17 Food assistance: calculating the overpayment claim amount and processing intentional program violations.

Effective: May 1, 2021

The county agency is to calculate claims, make collections, and disqualify assistance group members based on the date of overpayment, date of discovery, and the supplemental nutrition assistance program (SNAP) regulations in effect at the time of the overpayment.

(A) How is the claim amount calculated for non-trafficking claims?

(1) A county agency is to calculate a claim according to the following timeframes:

(a) Except as provided in paragraph (E) of this rule, inadvertent household error claims are to be calculated back to at least twelve months prior to when it became aware of the overpayment; the county agency is not to include any amounts occurring more than six years before it became aware of the overpayment.

(b) Except as provided in paragraph (F) of this rule, agency error claims are to be calculated back twelve months prior to when it became aware of the overpayment.

(c) Except as provided in paragraph (D) of this rule, intentional program violation claims are to be calculated back to the month the act of the intentional program violation first occurred; the county agency is not to include any amount occurring more than six years before it became aware of the overpayment.

(2) To calculate a claim, the county agency is to:

(a) Determine the correct amount of benefits the applicant should have received for each month. Do not apply the earned income deduction to any earned income the assistance group failed to report in a timely manner. When the agency failed to act on reported earned income apply the earned income deduction.



(b) Subtract the amount of the benefit the applicant should have received from the benefit amount actually received. This is the amount of the overpayment. When the overpayment equals zero or is negative dispose of the claim referral.

(c) Reduce the overpayment amount when there are any expunged benefits from the assistance group's electronic benefit transfer account. The county agency is to document any reduction of an overpayment claim by use of expunged benefits via the statewide automated eligibility system. The difference from the amount of the expunged benefits and the overpayment amount is the amount of the claim.

(B) How is the claim amount calculated for trafficking claims?

Claims arising from trafficking-related offenses are to be the value of the trafficked benefits as determined by:

(1) The individual's admission;

(2) Adjudication; or

(3) The documentation that forms the basis for the trafficking determination.

(C) How are intentional program violation claims processed?

When an assistance group member is found to have committed an intentional program violation, the county agency is to disqualify that individual and initiate collection action against the remaining adult assistance group members.

For intentional program violation claims, the amount of SNAP benefits collected is to be the greater of twenty per cent or twenty dollars per month of the assistance group's monthly entitlement, before disqualification of the assistance group member found to have committed the intentional program violation.

(D) When should a claim resulting from an intentional program violation by intentionally failing to



report a change begin?

When the assistance group member is determined to have committed the intentional program violation by intentionally failing to report a change in the assistance group's circumstances, the first month affected by the assistance group's failure to report is to be the first month in which the change would have been made effective had it been reported timely. When calculating the claim amount, the county agency is to:

- (1) Allow the maximum reporting allowance of ten days following the end of the month in which the change first occurred plus the maximum allowance for notice of adverse action of fifteen days. Therefore, for purposes of claim calculation, a change cannot be effective sooner than twenty-five days from the date the change occurred.
- (2) Calculate claims back to at least twelve months prior to when the county agency became aware of the overpayment in accordance with paragraph (A)(1)(c) of this rule, and not include any amounts occurring more than six years before the date of discovery.
- (3) Prior to the determination of an intentional program violation or the signing of either a waiver of right to a disqualification hearing or a disqualification consent agreement in cases of deferred adjudication, the claim against the assistance group is to be handled as an inadvertent household error claim.

(E) When should a claim resulting from an inadvertent household error for failing to report a change timely begin?

When due to a misunderstanding or inadvertent error on the part of the assistance group, the assistance group failed to report a change in its circumstances within ten days following the end of the month in which the change first occurred, the first month affected by the assistance group's failure to report is to be the first month in which the change would have been effective had it been reported timely. When calculating the claim amount, the county agency is to:

- (1) Allow the maximum reporting allowance of ten days following the end of the month in which the change first occurred plus the maximum allowance for notice of adverse action of fifteen days.



Therefore, for the purposes of claim calculation, a change cannot be effective sooner than twenty-five days from the date the change occurred.

(2) Calculate claims back to at least twelve months prior to when the county agency became aware of the overpayment in accordance with paragraph (A)(1)(a) of this rule, and not include any amounts occurring more than six years before the date of discovery.

(F) When should a claim resulting from an agency error for failing to act timely on a reported change begin?

When the assistance group timely reported a change, but the county agency did not timely act on the change, the first month affected by the county's failure to act is to be the first month the county agency should have made the change effective. Therefore, when a notice of adverse action was required but was not provided, the county agency is to assume that the maximum advance notice period of fifteen days would have expired without the assistance group requesting a fair hearing. In accordance with paragraph (A)(1)(b) of this rule, claims are to be calculated back twelve months prior to when the county agency became aware of the overpayment.

(G) When are claims to be offset?

After calculating the amount of the claim, the county agency is to offset the amount of the claim (even when the claim is one hundred twenty-five dollars or less) against any amount of lost benefits that have not yet been restored to the assistance group. The county agency is not to offset against retroactive or initial benefits in accordance with paragraph (G) of rule 5101:4-8-03 of the Administrative Code. The county agency is to then initiate collection action for the remaining balance. When the county agency did not complete a JFS 07424, "Report of Claim Determination/Lost Benefits" because the claim was one hundred twenty-five dollars or less, at the time the offset action is taken, the county agency is to complete the JFS 07424 so documentation exists as to why the lost benefit amount was reduced.

(H) What is the disqualification period for intentional program violations?

Individuals found to have committed an intentional program violation 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, is to be ineligible to participate in the program as follows:

- (1) For a period of twelve months upon the first offense of any intentional program violation, except as provided in paragraphs (I) to (L) of this rule.
- (2) For a period of twenty-four months upon the second offense of any intentional program violation, except as provided in paragraphs (I) to (L) of this rule.
- (3) Permanently upon the third offense of any intentional program violation.
- (4) The disqualification period for non-participants at the time of the administrative disqualification or court decision is to take precedence in accordance with division 5101:6 of the Administrative Code.

(I) What is the disqualification period for controlled substance violations?

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)), (12/2014) is to be ineligible to participate in the program as follows:

- (1) For a period of twenty-four months upon the first offense of such a violation.
- (2) Permanently upon the second offense of such a violation.

(J) What is the disqualification period for violations involving firearms, ammunition, or explosives?

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 is to be permanently ineligible to participate in the program upon the first offense of such violation.



(K) What is the disqualification period for violations involving trafficking SNAP benefits of five hundred dollars or more?

(1) An individual is to be permanently disqualified when convicted by a federal, state, or local court of trafficking SNAP benefits for an aggregate amount of five hundred dollars or more.

(2) 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, recertification, or reporting changes processes.

(L) What is the disqualification period for violations involving the receipt of multiple benefits?

An individual is to be ineligible to participate in the SNAP program for a ten-year period when 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 the SNAP program.