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Informational Letter

Section 1

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To:	LDSS Commissioners
Issuing Division/Office:	Bureau of Audit and Quality Improvement
Date:	May 13, 2009
Subject:	Program Integrity Questions and Answers
Suggested Distribution:	Temporary Assistance (TA) Directors Food Stamps (FS) Directors TOP Coordinators Fraud Directors Front End Detection System (FEDS) Coordinators Staff Development Coordinators Fair Hearings Staff
Contact Person(s):	See Attachment I for the Contact Person(s) for each Program Integrity Initiative or call 518.402.0125 for assistance
Attachments:	Attachment I – Program Integrity Staff Contact List Attachment II – FEDS Indicator List Attachment III – Acronym Listing <i>{revised}</i> Attachment IV – Fraud Allegation Form
Attachments Available On-line:	yes

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
06 ADM-13 05 ADM-08 01 ADM-09 99 ADM-09 97 ADM-23 97 ADM-04 94 ADM-05 08 INF-13 08 INF-08 07 INF-10		18 NYCRR 396.2	7 CFR 273.16 SSL 136		08 ADM-03 (MA) GIS08TA/WMS 008 GIS08TA/DC016

06 INF-26					
06 INF-24					
06 INF-16					
06 INF-10					
05 INF-18					
04 INF-20					

Section 2

I. Purpose

The purpose of this Informational Letter (INF) is to assist eligibility staff, investigative staff and other Local Department of Social Services (LDSS) staff with answers to Program Integrity questions.

II. Background

Program Integrity (PI) staff from OTDA's Bureau of Audit and Quality Improvement gave presentations at the following conferences/meetings:

- New York Public Welfare Association (NYPWA) conference,
- New York Welfare Fraud Investigator Association (NYWFIA) conference and fall regional meetings, and
- New York State Staff Development Coordinators (SDC) conference.

Questions that were asked at these meetings and conferences, as well as other recent LDSS questions, have been incorporated below into the following topic areas:

A.	Automated Finger Imaging System (AFIS)	Questions 1-8, Pages 3-5
B.	Intentional Program Violations (IPV) Policy	Questions 9-21, Pages 5-9
C.	IPV and Quarterly Fraud Reports	Questions 22-27, Pages 9-10
D.	Front End Detection System (FEDS) Policy	Questions 28-52, Pages 10-16
E.	FEDS Monthly Investigation Reports	Questions 53-61, Pages 17-18
F.	Eligibility Verification Review (EVR)	Questions 62-63, Page 19
G.	Computer Matches	Question 64, Page 19
1.	Fugitive Felon	Questions 65-68, Pages 19-20
2.	Prison Match	Questions 69-72, Pages 20-21
3.	Prison Match Auto Close Process	Questions 73-79, Pages 21-22
4.	Public Assistance Reporting Information System (PARIS)	Questions 80-84, Pages 22-23
5.	Legally Exempt Day Care Provider (LED) Match	Questions 85-86, Page 23
6.	TA Lottery Intercept	Questions 87-91, Pages 23-24
7.	Verified Employment Data (VED) from the National Directory of New Hires (NDNH)	Questions 92-123, Pages 24-30
H.	Statewide TALX/Work Number Contract	Questions 124-148, Pages 30-34
I.	Fraud Allegations	Questions 149-153, Page 34-35
J.	AccuriZ Real Property Records	Question 154, Page 35
K.	General Questions	Questions 155-158, Pages 35-36

For reference, Attachment III contains a listing of commonly used Program Integrity acronyms.

III. Program Implications

A. Automated Finger Imaging System (AFIS)

Q1: What name should be used to enroll into AFIS when the applicant signs the application with one name although their Social Security card has another name?

A1: Temporary Assistance (TA) policy is that the recipient can be known by any name he or she chooses; however, the Social Security Number (SSN) must be issued in that name. The chosen name and corresponding SSN is entered in section 2 of the 3209: "Authorization" document and any other names (i.e., birth name, alias) are entered in the "Other Names" field in the same section of the 3209.

Temporary Assistance Source Book (TASB), Chapter 5, Section N, page 62: *"Name does Not Match-The SSN validation error "NO Match on Name" will occur when the recipient's first or last name in WMS (Welfare Management System) does not match the SSA database. If after investigation the SSD determines that the name on file with SSA is not the same name known by social services, the recipient must be informed that he/she must use the same name for social services as SSA. The recipient has the right to decide which name he/she wants to be known by. If he/she chooses to change his/her name with SSA the recipient must be referred to their local SSA office to apply for a corrected social security number."*

Based on this policy, the AFIS record should match the name associated with the SSN. Due to the WMS PreFill functionality within AFIS, we are aware that the names may not match at the time of initial enrollment. The name must be corrected in WMS, which will generate a WMS Batch Update transaction to AFIS.

Q2: What should be done when an applicant arrives at the AFIS workstation for finger imaging and does not have any identification?

A2: Continue with the enrollment process; however, enter "No ID" in the remarks field.

Q3: If a finger image is marked as "Unusable" at enrollment, how does the Eligibility Worker know?

A3: A Match Result Notice is sent to the AFIS workstation printer within five (5) minutes of enrollment. The Match Result Notice will provide the results of the search against the OTDA AFIS database (Match/No Match), as well as the current status of the finger images. If the finger images were marked as "Unusable", the reason for that status will also be noted (i.e., "Unusable – Core too low."). To review the Corrective Action for a particular record's Unusable finger image,

retrieve the record in Records Management and select the F2 key. The Unusable Reasons will display both Reason(s) and Action(s) to be taken for each Unusable index finger.

On a weekly basis, AFIS sends WMS a file of transactions that will populate the AFIS Indicator field in WMS. The system-generated indicators from AFIS are:

1. Finger Imaged
 2. Exempted – L&R Index Fingers Permanently Unavailable or Permanently Unusable
 3. Temporarily Unavailable or Unusable – One Finger
 4. Temporarily Unavailable or Unusable – Two Fingers
- P Purged from AFIS

Any record with at least one (1) finger image marked as Unusable will appear on the AFIS Aging Status Report, which is e-mailed to the AFIS Liaison on the first business day of each month. These individuals must be called back in within 30 days to have their Unusable finger image(s) updated.

Q4: If a finger image is Unusable, does the worker enter an exemption code in WMS?

A4: No, the AFIS Indicator code is system generated through the weekly WMS Batch Update process, placing a 3 or 4 in the AFIS Indicator field. *Refer to answer above.*

Q5: Is there an exemption code to enter into WMS when clients with Unusable finger image(s) have moved out of the county and, therefore, cannot be called back in to be re-imaged?

A5: No. If the case is closed in WMS, the weekly WMS Batch Update process will inactivate the AFIS record, and the client will no longer appear on the Aging Status Report. When the client is re-activated or opened in another county, the AFIS record will appear on the respective LDSS Aging Status Report.

Q6: What should an AFIS operator do when presented with an elderly client whose finger images are of poor quality due to age?

A6: Whenever an operator is presented with a poor quality finger image, regardless of age, with the applicant still at the workstation, the Sagem Morpho Helpdesk at 1-800-480-6331 should be called for assistance. The Minutia Analysts (fingerprint experts) on site can assist the operator in capturing a quality finger image. If a call to the Helpdesk is not feasible at that time, the operator should capture the best images possible and then enter comments in the Remarks field in AFIS describing the situation. This will assist the Minutia Analysts in determining if the applicant's images are Permanently Unusable.

Q7: Are Medicaid (MA) and Food Stamp (FS) clients enrolled in AFIS?

A7: Yes. Certain Medicaid-Only applicant/recipients age 21 and over are required to be finger imaged. The finger imaging requirements for Medicaid parallel the photo ID requirements for Medicaid. Individuals who are not required to have their photo image on their Medicaid identification cards are exempt from AFIS requirements. Please refer to 99 ADM-09 for detailed exemptions. *NOTE: Effective July 1, 2009, finger-imaging for MA-only clients is eliminated. However, until the Department of Health issues policy guidance, this requirement remains in place.*

Food Stamp applicants/recipients age 18 and older are required to be finger imaged, unless exempted via your Local District AFIS Plan of Operation.

Q8: For Food Stamp purposes, may AFIS be used for identification?

A8: No. In accordance with 99 ADM-09, the United States Department of Agriculture (USDA) policy prohibits requiring finger imaging in the Food Stamp program as a means of identification. However, it does permit requiring finger imaging as a means to prevent duplicate participation.

B. Intentional Program Violations (IPVs)

Q9: An LDSS requested an Administrative Disqualification Hearing (ADH) against a FS recipient who was receiving duplicate FS benefits in two states. The LDSS indicated in its summary to the Office of Administrative Hearings (OAH) that it was pursuing the 10-year disqualification period for the duplicate benefits and because it had documentation of fraudulent residency and/or identity*. The Commissioner's Designee at OAH accepted the case for the hearing with the 10-year penalty. The recipient was sent proper notice of the hearing but did not show. When the LDSS is notified of the ADH decision, may the LDSS impose a 10-year FS disqualification, since the original hearing request included the 10-year disqualification period?
{revised}

A9: Even when a recipient fails to appear at a hearing, the hearing takes place, and the LDSS presents its evidence. In this example, the LDSS may proceed with a 10-year IPV, provided that the LDSS indicated in the original ADH packet that it was pursuing a 10-year IPV, and the Administrative Law Judge is presented evidence and finds that the individual made a fraudulent statement or representation with respect to his/her identity or place of residence in order to receive multiple food stamp benefits simultaneously.

LDSSs must always indicate in the ADH packet summary the length of the penalty being pursued. LDSSs are reminded that the USDA regulation for a 10-year IPV is very specific:

[7 CFR 273.16 (b) (5)] states "...an individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple FS benefits

simultaneously shall be ineligible to participate in the FS Program for a period of 10 years”.

*In order to pursue and be upheld for a 10-year disqualification, in addition to the duplicate payments, there must be proof that an applicant/recipient either filed a fraudulent written statement or made a fraudulent oral statement (documented by the LDSS) specifically with regard to identity or place of residence.

Q10: If a client is found guilty of a second FS IPV and is still serving his/her first FS IPV, should the second IPV begin *after* the remaining time on the first IPV runs its course?

A10: No. The clock begins from the time the client is found guilty of his/her second FS IPV. The IPVs would run concurrently.

Q11: When an overpayment occurs, such as with an IPV, and repayments are made, how should they be applied when an overpayment has occurred in multiple programs?

A11: Per 94 ADM-05, if no client specification is made, then one payment should be applied equally to each program, i.e., two programs: 1/2 and 1/2; three programs: 1/3 and 1/3 and 1/3. When one program is paid in full, any remaining monies received must be applied to the other outstanding program(s) also in equal proportions up to the amount owed in each category.

Q12: How do LDSSs get access to the electronic Disqualified Recipient System (e-DRS) in order to research FS IPV's?

A12: Step One for a new e-DRS user is to go into the website:

<https://www.fns-edrs.usda.gov/disclaimer.aspx>

and complete a new user account form. This establishes an e-Authentication user account, user ID and password. Step Two is for the new user to visit a local USDA office and present photo identification. Step Three is to request the USDA FNS-674 “Computer System Access Request” form from PI’s Judy Iemma (see Attachment I of this Directive for contact information), complete it and return it to Ms. Iemma. Once the FNS-674 form is approved, the new user will be admitted to the e-DRS.

Q13: If an applicant files a false instrument, what code should be used to deny the application?

A13: Filing a false instrument is not an application denial reason. The discovery of what led to the determination that a false instrument was filed is generally the reason that supports the denial or closing. For example, a single FS applicant failed to report income, but the FEEDS (Front-End Detection System) investigation revealed that the applicant had enough income that would make him ineligible. The application would be denied for *excess income*. The LDSS would then pursue an IPV based on the filing of the false instrument.

Also, for TA applications only, there is a denial code available (“M40”) that can be used to deny a TA application if a determination is made that the applicant intentionally misrepresented needs or resources. Please see the FEDS ADM, 05 ADM-08, for further information.

LDSSs must follow the policy of each program area when determining denial reasons and applying individual vs. case sanctions.

Q14: How should fraudulent documents be handled? May LDSS staff confiscate them?

A14: There is no authority to confiscate fraudulent documents. OTDA suggests that you photocopy any document in question, and on a separate sheet of paper indicate the reasons why you believe it is fraudulent.

Q15: An LDSS has a situation where an applicant applied for FS claiming no income and was given expedited FS. Then, due to an RFI (Resource File Integration) hit, the LDSS discovered that the individual had been in receipt of Unemployment Insurance Benefits (UIB) all along. Is it correct that the LDSS may not process a claim on expedited FS, but that an IPV may be pursued?

A15: Yes. An IPV may be pursued, but per 05 INF-18 all benefits issued under expedited processing are not subject to the establishment of a *claim*.

Q16: LDSSs have found a few instances where other counties are not keeping their records on cases where they have had a FS IPV. The IPV is showing up on e-DRS, but the other county has not kept the documentation to back up the IPV. Therefore, if another IPV should be warranted, it can't be counted as a 2nd or 3rd IPV. Doesn't IPV supporting documentation need to be kept?

A16: Yes. FS IPV supporting documentation and e-DRS records must be kept until an individual is known to have died or when the individual reaches 80. (The USDA selected 80 because that age is past normal life expectancy and assumed that those who reached 80 would not violate the Program.) This is important because clients can have 2nd or 3rd (permanent) FS IPV's.

Q17: LDSSs are having issues with FS recipients: (1) purchasing large amounts of meat and then returning it for cash; (2) purchasing soda or milk, emptying the contents in the parking lot and then returning the containers to collect the return deposit money and (3) purchasing turkeys with FS at Thanksgiving and then selling them in store parking lots. May IPV's be pursued?

A17: Neither the USDA regulations nor the State regulations currently address these specific situations. However, in the recently passed federal Farm Bill, that reauthorizes the Food Stamp Program (FSP), these situations have been addressed because the goal of the FSP is for recipients to feed their families, not to gain

income from the food purchased with FS. The USDA is currently drafting proposed regulations that will be sent to the states for comment. Once the regulations are finalized and the penalties for these situations are determined, OTDA will notify all Fraud Directors.

It is important to note that stores have the option of re-posting (crediting) the amount of the returned purchase back to the customer's EBT FS account. Stores are not required to give the customers cash, and OTDA prefers that they don't.

Q18: May an individual in receipt of NYSNIP (New York State Nutrition Improvement Program) be pursued for an IPV?

A18: In certain instances. NYSNIP recipients [an "S" indicator on WMS Screen 1 for Upstate NYSNIP cases and Shelter Type 94-98 for both upstate and NYC WMS] must give complete and accurate information. If the Investigator has confirmed information that indicates a false instrument was filed, the pursuit of an IPV is permitted. NYSNIP Shelter Type 98 cases that are opened via the auto-SDX process with the Social Security Administration are inherently correct. Unless the recipient is found to have committed fraud to get SSI and has redeemed FS benefits from the FS case that was auto-opened as a result of the SSI fraud, then the recipient is not subject to an IPV. However, a recipient with a NYSNIP Shelter Type 98 who knowingly reports false information on an LDSS-4841, "Information Collection Sheet", would be held responsible for the new information.

Q19: What should an LDSS do with discrepant information received between recertifications for a FS six-month reporting household? Must the LDSS act on the information, or not? How does the LDSS know if there is an IPV?

A19: To determine if there is an IPV, LDSS staff must become familiar with the reporting requirements for all FS simplified reporting households. If information that was not reported should have been reported (for example, a six-month reporting household failed to report income over the 130% poverty limit), then an IPV may be pursued.

When an LDSS is presented with information that is different than what is already in the case of a simplified reporting household, the LDSS must first review the information for "Verified Upon Receipt" status and then take the following action:

- If the information is Verified Upon Receipt (timely, not questionable **and** from a primary source), per 01 ADM-09, the LDSS must act on it.
- If the information is not Verified Upon Receipt, the LDSS must determine whether the information was either:
 - Required to be reported by the household (see 01 ADM-09 for procedures on sending the LDSS-4753: "Request for Contact"); or
 - Not required to be reported (the LDSS has the option to investigate the information without contacting the household and, if it reaches the level of Verified Upon Receipt information, the LDSS must act on it).

Q20: Per 06 INF-26, revised Investigative Unit Operations Plans (IUOPs) were due 10/1/06. Will LDSSs need to complete and send a new one to OTDA each year?

A20: No. As with FEDS plans, the IUOPs can just be updated and submitted to OTDA on an as-needed basis.

Q21: We have an individual who has not yet served his TA IPV sanction but is applying now for emergency assistance. When do we impose the sanction?

A21: When the individual is found eligible for the TA benefit, even if it is just a one-time payment or voucher to meet the emergency, the eligibility determination triggers the start of the pending IPV.

C. IPV and Quarterly Fraud Reports

Q22: Why does Program Integrity prefer the IPV Reports and Quarterly Fraud Reports to be submitted on the automated Excel spreadsheets?

A22: When the LDSS sends the data on the Excel spreadsheets, the numbers can automatically be imported into the database. If the reports are in writing and faxed in, the numbers have to be re-entered into the database. This takes time and could create an error.

Q23: If an individual has a pending Family Assistance (FA) or Safety Net Assistance (SNA) IPV, and the IPV needs to be implemented, how should the change be reflected on the IPV Report?

A23: A 'C' for change should be entered under the appropriate column in the Record Action section of the IPV Report. The disqualification date must also be entered.

Q24: If an individual has a 10-year FS disqualification, how should the IPV information be reported on the IPV Report?

A24: For a 10-year FS disqualification, the length should be entered as 97 and the offense type code should be entered as "E".

Q25: When completing the Quarterly Fraud Report, if a case that is referred for criminal prosecution is worked on but not completed by the end of a quarter, should that case be included in the criminal adjudication positive total in the current quarterly report, or should it be included in the adjudication positive total in the next report?

A25: Once a case referred for criminal prosecution is successfully prosecuted, that case and the dollars involved should be included in the fraud report at the end of the quarter during which that case was **completed**.

Q26: What is measured by the new quarterly IPV performance measurements?

A26: The total number of positive TA and FS investigations against the total number of IPV's reported. In conjunction with examining IPV performance, OTDA encourages LDSSs to examine both their IPV and Quarterly Fraud Reports to try to determine why the IPV's occurred. Some reasons could be: (1) the Eligibility Worker missed a FEDS indicator and the case opened based on the applicant's filing of a false instrument or (2) a fraud referral was sent at recertification, but the Investigator failed to follow-up on what was questionable.

Q27: Do I need to send in IPV reports, even if I have nothing to report?

A27: Yes. Please report zero for that month.

D. Front End Detection System (FEDS) Policy

Q28: What Program Areas are mandatory for FEDS reporting?

A28: OTDA mandates FEDS for Family Assistance (FA) and Safety Net Assistance (SNA). The Office of Children and Family Services (OCFS) mandates FEDS for Child Care.

Optional FEDS program areas are Emergency Assistance to Families (EAF), Home Energy Assistance Program (HEAP), Non-Temporary Assistance-FS (NTA-FS) and Medical Assistance (MA).

Q29: Sometimes, Eligibility Workers need help from investigators in order to obtain necessary additional information about an application or case. However, when do Eligibility Workers send a FEDS referral, an Eligibility Verification Review (EVR) referral or a request for another type of investigation?

A29: It is important for LDSSs to understand the different types of referrals so that the Investigator is able to assist the Eligibility Worker appropriately, and also record the investigation on the required report to OTDA:

FEDS Referral –If an Eligibility Worker has an application with an unresolved FEDS indicator for either a mandatory FEDS program or a program that is approved for FEDS in the LDSS FEDS plan, the Eligibility Worker would make a FEDS referral. The FEDS process guides the Eligibility Worker to focus on specific areas that may be problematic *at Application*.

EVR Referral – In order to make an EVR referral, the Eligibility Worker first must confirm that the LDSS has an OTDA-approved EVR process in place. If there is such a process, and the Eligibility Worker has a situation (could be at

Application, Undercare or Recertification) that meets the EVR criteria that OTDA has approved for the LDSS, then the Eligibility Worker would make an EVR referral.

Investigative Referral – If an Eligibility Worker has a situation that does not fall under either FEDS or EVR but still requires an investigation in order to maintain program integrity/prevent or detect fraud, the Eligibility Worker would make an Investigative Referral. Each LDSS must have in place a process by which regular Investigative Referrals can be made. These non-FEDS/EVR investigations, conducted at Application, Undercare or Recertification, must be reported on the fraud reports that are submitted by the LDSS to OTDA/Program Integrity on a quarterly basis.

Q30: May an Eligibility Worker make a FEDS referral on a TA or FS application from a household that is *already* active in another assistance program?

A30: Yes, in specific situations. Certain programs have minimal application requirements in order to increase program access and may, in some instances, even have automated openings:

TA application

If an Eligibility Worker has a case that is *already open* for Child Care, EAF, FS (including NYSNIP), HEAP, or MA, and the household is *now* presenting the Eligibility Worker with an application for TA, a FEDS referral would be made if the Eligibility Worker has an unresolved indicator.

FS application

If an Eligibility Worker has a case that is *already open* for Child Care, EAF, (including NYSNIP), HEAP, or MA, and the household is *now* presenting the Eligibility Worker with an application for FS, a FEDS referral would be made if the Eligibility Worker has an unresolved indicator and the LDSS is also approved for FS-FEDS in its FEDS plan.

Note: An LDSS does *not* need to have included the original open program (Child Care, EAF, [including NYSNIP], HEAP, or MA), in its FEDS plan. Only the program currently being applied *to* need be included in the LDSS FEDS plan.

This is a modification to information provided in the FEDS ADM, 05 ADM-08.

Q31: If an LDSS has an open TA case, for example, and the household is simply adding a member to that household, is it appropriate to do a FEDS referral on the new TA applicant to that household?

A31: No. The FEDS process is for an entire household when it is applying, not for individuals who are being added to an open case. If an Eligibility Worker has concerns about the new applicant, the Eligibility Worker would not use the FEDS referral process but, instead, would use the LDSS's regular Investigative Referral process.

Q32: Shouldn't a FEDS referral be completed for any TA application that an Eligibility Worker has a concern about? Eligibility Workers many times need investigators to help assist them so that a correct eligibility determination can be made on the TA application.

A32: Not always. Eligibility workers must complete a FEDS referral only if they have a FEDS indicator that they are unable to resolve confidently for that application. If there is no unresolved FEDS indicator present with the application, but the Eligibility Worker does not feel confident taking action on the application without investigative assistance, they would request an investigation using their LDSS's regular Investigative Referral process. The corresponding investigation would be reported on the fraud reports that are submitted by the LDSSs to OTDA/Program Integrity on a quarterly basis.

Not every Investigative Referral for an application is a FEDS referral simply because it is at Application. There *must be* an unresolved FEDS indicator for it to be considered a *FEDS* referral.

Q33: May an Undercare worker send a FEDS referral, or may a FEDS referral be made at Recertification?

A33: No. Per 05 ADM-08, FEDS referrals must be sent *before* the applicant becomes a recipient. However, referrals to your Investigative Unit may be made at any time.

Q34: An Eligibility Worker reviews an application, misses a FEDS indicator and opens the case without the support of a FEDS investigation. Later, the Eligibility Worker or Supervisor notices that a FEDS indicator was missed. Should a FEDS referral then be made?

A34: No. FEDS is used only for applications in process, not for cases that already have opened. If, however, the Eligibility Worker or Supervisor has concerns about the case, the Eligibility Worker could make a referral to the Investigative Unit and that investigation, once complete, would be recorded on the Quarterly Fraud Report.

Q35: Is "Household Composition" in and of itself a FEDS indicator?

A35: No. Please see Attachment II of this Directive for the list of State-mandated and State-optional FEDS indicators. Some of these indicators relate to household composition, but household composition is not a FEDS indicator on its own.

Q36: Would all Other-Than-Grantee ("child-only") applications be referred for FEDS under the "Supported by loans or gifts from family/friends" indicator?

A36: No. The only time an Eligibility Worker should refer a child-only application for a FEDS investigation is if the Eligibility Worker has concerns/is not confident of the accuracy or truthfulness of the information provided by the adult. For example, based on the interview and documentation, the Eligibility Worker may

have reason to believe that the child's parent is also residing in the household or that the adult submitting the application is not fully disclosing the child's own resources.

Q37: An LDSS had a FEDS investigation that was unable to be completed within the programmatic time frames, so a Family Assistance (FA) case was opened. Upon completion of the investigation, the Eligibility Worker was informed that there was intentional misrepresentation. The Eligibility Worker tried to use the M40 "Intentional Misrepresentation" to close the case, but the system would not accept it. Why not?

A37: Although intentional misrepresentation is a valid denial and closing reason (see the FEDS ADM, 05 ADM-08), there is currently no code that will support a *closing* and send a Client Notices System (CNS) notice. The M40 code is only supported for denials, so a manual notice must be sent for closings.

Q38: If I am interested in on-site FEDS training for my county, whom do I contact?

A38: You may contact Kevin Sullivan in OTDA's Training and Management Analysis (TAMA) bureau or PI's Lisa McLain (see Attachment I of this Directive for contact information), and she will forward the request.

Q39: Is there online FEDS training available?

A39: Yes. A training module is available at www.trainingspace.org and, at the same website, a viewer may watch the last FEDS teleconference. You may reach this site through Centraport, under the "Training and Support" Link (in the left-hand column) between "Presumptive Eligibility Training-CDHS" and "WMS Training".

Q40: Is an Investigator required to make a recommendation on the Report of Investigation that is returned to the Eligibility Worker who made the referral?

A40: No, there is no such requirement. The Investigator *may* make a recommendation, such as "failed to appear for scheduled FEDS appointment – deny TA application", but the Eligibility Worker makes the final determination.

Q41: Is it acceptable for an LDSS to incorporate the five State-mandated and 10 State-optional indicators into its FEDS plan?

A41: Yes. In addition to the five mandatory FEDS indicators, LDSSs may choose to incorporate all, some or none of the State-optional indicators into their FEDS plans. Please see Attachment II of this Directive for a list of all FEDS indicators. Please note that all indicators the LDSS incorporates in its FEDS plan become mandatory once OTDA approves the FEDS plan, and any of those indicators that remain unresolved must be referred for investigation.

Q42: Are FEDS referrals allowed on “open/close” Transaction Type 09 applications (e.g., guaranteed payments for rent arrears or utilities)?

A42: Yes, if the application is for a case type that is included in the LDSS’s FEDS plan. Since open/close applications are usually the result of an application for emergency assistance, timing usually would not allow a complete FEDS investigation to be conducted prior to the issuance of the benefit to meet the emergency need. The investigation, however, once completed may yield that the applicant was not eligible for the benefit, and the overpayment would be subject to recovery.

If the Eligibility Worker has a concern on an open/close application that was not under a program area allowed by the FEDS plan, the Eligibility Worker could make an Investigative Referral.

Q43: Does OTDA review Child Care FEDS plans?

A43: No. Any FEDS plans that OTDA receives that contain Child Care information are forwarded to Bonnie Gregory at OCFS (bonnie.gregory@ocfs.state.ny.us, 518.402.3532). OCFS will then send the LDSS a reply and will copy OTDA.

Q44: Are there any mandated indicators for Child Care FEDS?

A44: Bonnie Gregory (contact information above) can provide a list of indicators that are allowable under Child Care FEDS.

Q45: Does OTDA review MA FEDS plans? *{revised}*

A45: No. Any FEDS plans that OTDA receives containing MA information are forwarded to Maria Dowling at the NYS Department of Health (mad14@health.state.ny.us, 518.474.8887). DOH will then send the LDSS a reply and will copy OTDA. In addition, the Office of the Medicaid Inspector General (OMIG) contact regarding recipient fraud is William Gilbert (wjg03@omig.state.ny.us, 518.486.9912).

Q46: May an Eligibility Worker refer a FS application for a FEDS investigation for the indicator “Financial obligations are current, but stated expenses exceed income without a reasonable explanation”?

A46: Yes. This indicator is one of the five State-mandated indicators included in 05 ADM-08 and is used as long as your LDSS’s FEDS plan is approved for FS-FEDS referrals. A FS application may be referred with this indicator when the Eligibility Worker has an applicant who is up-to-date with all household costs, etc., but the income the applicant has stated is less than the applicant’s stated expenses. In this situation, if the applicant has offered no reasonable explanation for the household being up-to-date (e.g., the applicant was using credit cards

which are now maxed out), the Eligibility Worker may not be confident that the applicant has reported and verified all available income.

Q47: In this same situation above, if an Eligibility Worker refers a FS application for a FEDS investigation based on the “Financial obligations...” indicator, may an Investigator schedule an office meeting or schedule a home visit with the FS applicant to discuss possible other income?

A47: Yes. The purpose of the scheduled meeting or scheduled home visit could be to discuss with the FS applicant other possible income to the household. The purpose also could be to discuss any discrepancies that the Investigator may have uncovered while performing a credit check, a TALX/Work Number or other employment verification, etc., prior to the scheduled office meeting or home visit. When a referral is made with this indicator, the Investigator would use all tools available to try to determine if there is unreported income that is supporting the household.

Q48: In this same situation above, if the FS applicant fails to show for/comply with the scheduled office meeting or scheduled home visit, may the Eligibility Worker deny the applicant for “failure to keep a FEDS appointment” or “failure to comply”?

A48: No. Those reasons are not allowable FS FEDS denial reasons. As stated in 05 ADM-08, the only acceptable denial reason for a FS application related to a FEDS investigation is “Failure to Verify”. In this situation, if an Investigator discovers other employment and schedules an office meeting or schedules a home visit with the applicant in order to verify that employment, and the applicant fails to show for/comply, the Investigator would report this failure to the Eligibility Worker. The Eligibility Worker must then assess the application, the eligibility interview, documentation and any information received from the Investigator, and determine if a denial for failure to verify the income would be appropriate. The denial notice must state specifically what was not verified.

Please note that if there is merely a question of income, and neither the Eligibility Worker nor the Investigator discovers any firm evidence of the income and the applicant fails to show for/comply, then the Eligibility Worker would have no reason to deny the FS application, because there is nothing that needs verifying.

As with all aspects of eligibility determination and fraud prevention and detection, it is imperative that the Eligibility Worker and Investigator collaborate and use their combined expertise so that the Eligibility Worker may make a correct application determination.

Q49: May an Eligibility Worker refer a FS application for a FEDS investigation for the indicator, “Supported by loans or gifts from family/friends”?

A49: Yes. This indicator is one of the five State-mandated indicators included in 05 ADM-08 and is used as long as an LDSS’s FEDS plan is approved for FS-FEDS referrals. A FS application may be referred under this indicator when an

Eligibility Worker has concerns/is not confident that the loan/gift statement the applicant submits is accurate or truthful, or if the Eligibility Worker suspects that there may be loans or gifts from family or friends that were not reported.

Q50: In this same situation above, if an Eligibility Worker refers an application for a FEDS investigation based on the “Supported by...” indicator, may an Investigator schedule an office meeting or schedule a home visit with the applicant?

A50: Yes. The purpose of the scheduled office meeting or scheduled home visit would be to discuss with the applicant if loans or gifts are being received from other family members and friends and, if so, the type(s) and frequency of the loans or gifts.

Q51: In this same situation above, if the FS applicant fails to show/comply with the scheduled office meeting/home visit, may the Eligibility Worker deny the applicant for “failure to keep a FEDS appointment” or “failure to comply”?

A51: No, those reasons are not allowable FS FEDS denial reasons. As stated in 05 ADM-08, the only acceptable denial reason for a FS application related to a FEDS investigation would be “Failure to Verify”. In this situation, the Investigator must use all tools available to try to determine what money is being contributed, and by whom. This would involve speaking directly to the family members and friends, if possible, to identify any loans or gifts. If, however, the only way that the Investigator can get the additional information to resolve this indicator is to speak to the applicant, and the applicant fails to show/comply, then the application may be denied for “Failure to Verify”. The denial notice must state specifically what was not verified.

Please note that if there is merely a question of loans or gifts and neither the Eligibility Worker nor the Investigator discovers any firm evidence of the loans or gifts, and the applicant fails to show/comply, then the Eligibility Worker would have no reason to deny the FS application, because there is nothing that needs verification.

As with all aspects of eligibility determination and fraud prevention and detection, it is imperative that the Eligibility Worker and Investigator collaborate and use their combined expertise so that the Eligibility Worker may make a correct application determination.

Q52: As an Eligibility Worker, sometimes I have a FEDS indicator, but I am able to resolve it myself without having to refer it to the Investigator. Is this acceptable?

A52: Yes. Eligibility Workers must be confident that the action they are taking on the application is correct, and they should do whatever they can within the confines of their job duties to resolve any indicators themselves. If they cannot resolve the indicator, the FEDS process is there to support their final application determination.

E. FEDS Monthly Investigation Reports

Q53: If an LDSS cannot use the “Send” button on the FEDS Monthly Investigation Report template, what must be done to send the report?

A53: If an LDSS cannot use the “Send” feature on the FEDS Monthly Investigation Report, then the report file **MUST** be named as follows in order for the data to import correctly into the FEDS reporting database:

FEDS_Report_MMYYYY_DistrictName.xls

An example is: **FEDS_Report_062008_Albany.xls**

Reports received without the correct file naming convention will be returned for correction. The correct name is automatically given to the report file when using the “Send” feature. The most common reason that LDSSs are unable to use the “Send” feature is because they are using an older version of Excel.

Q54: If a FEDS referral is sent before a case has opened, but the Report of Investigation is not able to be returned until *after* the case has opened, is it still counted as a FEDS referral?

A54: Yes. It is a late FEDS, but it still needs to be resolved because when it was referred, it was counted on the monthly FEDS report under Section 1 “Applications Referred for Investigation”. The Eligibility Worker still must review the Report of Investigation and then determine if the case would now close (recorded on Line 4) or have its benefit reduced (recorded on Line 5).

Q55: Am I supposed to report all FEDS referrals, or just those that had an unresolved issue that the investigation took care of?

A55: You must report all FEDS referrals. The FEDS Monthly Investigation Report provides different fields for actions that were FEDS-related (Lines 3a-5) vs. non-FEDS-related (Line 2: Denied/Withdrawn for Reasons Other Than FEDS).

Q56: If we have a FEDS referral but then the application is denied for reasons other than our FEDS investigative action, I understand that I report it on the FEDS Monthly Investigation Report on Line 2 “Applications Denied/Withdrawn for Reasons Other Than FEDS”. But do I also report it on Line 4 “Applications Confirmed Denied/Withdrawn”?

A56: No. Numbers from Line 2 are never repeated on Line 4.

Q57: What plans does OTDA have for web-based, automated FEDS reporting?

A57: OTDA hopes to implement a FEDS/EVR web-based, automated reporting application once implementation of the web-based, automated reporting application for the Recipient Fraud Matching System (RFMS) is completed.

Q58: Each month, when I report my FEDS numbers on the FEDS Monthly Investigation Report, should the number in Line 1 “Applications Referred for Investigation” equal the number in Line 3d “Total Number of Investigations Completed”?

A58: Usually not. This is a rolling report, so reconciliation may happen, but very rarely. If, for example, you have 100 referrals in September, they would all come in at different times during the month. Let’s say that 50 come in sometime between 9/1 and 9/15, and 50 come in between 9/16 - 9/30. The report you submit by October 10th to cover what occurred in September will show all 100 referrals, but many of the resolutions will not be returned yet, particularly for the second group that came in 9/16-9/30. For the 9/16-9/30 group, it’s likely that the investigation is still ongoing or the Eligibility Worker is reviewing the investigation results against the application record and interview information, and no action has been taken yet on the application.

An example of when it could reconcile is if an LDSS only had a few referrals at the very beginning of the month, and both the investigation and the action taken on the application were completed before the end of the month.

Q59: As an Investigator, I am sometimes able to resolve a FEDS indicator in ways other than a face-to-face meeting with the applicant. Do I still count that as a FEDS investigation?

A59: Yes.

Q60: How do I report an applicant who applies for multiple programs, but, at the FEDS interview, tells the Investigator that they have decided to withdraw from one program while continuing to apply for others?

A60: If the applicant has a multi-program application and withdraws the application for some of the programs (e.g., withdraws a TA application but wants to continue applying for NTA-FS and MA), then a withdrawal resolution is entered in the FEDS report under the appropriate program area (TA). If the LDSS’s approved FEDS plan allows for the remaining program areas to be investigated, the investigations would be completed and the appropriate resolutions would be recorded under those program areas (NTA-FS and MA).

Q61: As an Investigator, I often must go into WMS to determine the disposition of an application that was investigated for FEDS, in order to include it on the FEDS Monthly Investigation Report. Is this acceptable?

A61: No. As explained in 06 INF-16 and 05 ADM-08, the Eligibility Worker must inform the Investigative Unit of the application dispositions because, in most instances, the transaction/reason codes entered in WMS will not provide the critical information of whether or not the action taken was *due to* the FEDS investigation.

F. Eligibility Verification Review (EVR)

Q62: An Eligibility Worker does not complete a FEDS referral, and the case opens. Later, the Eligibility Worker or Supervisor notices that a FEDS indicator was missed. A FEDS referral cannot be made. Could the case be referred and counted under EVR?

A62: No. An Eligibility Worker may only complete an EVR referral for a pre-determined population that has been pre-approved by OTDA. For example, an LDSS may want to have its Investigative Unit perform EVR investigations for all TA cases that remain sanctioned for employment requirements after a certain period of time and have not attempted to cure the sanction.

In this situation, if the Eligibility Worker has concerns/is not confident about the case, the Eligibility Worker could make an Investigative Referral to the Investigative Unit and that investigation, once complete, would be recorded on the Quarterly Fraud Report.

Q63: Will Performance Measurements be developed for EVR?

A63: No. Performance Measurements are for Statewide initiatives, and EVR is an optional process for LDSSs.

G. Computer Matches

Q64: Why does OTDA run computer matches?

A64: Computer matches are supported by federal authority under the U.S. Department of Health and Human Services (HHS) for TANF program integrity, the United States Department of Agriculture (USDA) for FS program integrity and by numerous New York State laws and regulations. Computer matches help to prevent and detect fraud by providing to the LDSS information affecting eligibility that may not have been reported by the applicant or recipient.

1. Fugitive Felon Match

Q65: Why can't we close cases for misdemeanors?

A65: Misdemeanors are not included in the federal and State regulations as allowable closing reasons: only certain fleeing felons are included.

Q66: Why do some probation and parole violators show original charges as misdemeanors?

A66: As explained in the question above, a closing may not be initiated for a misdemeanor. However, when the recipient *violates* the conditions of the parole or probation, a felony warrant may be issued. If a felony warrant is issued, the felony warrant is then the reason that the case may be closed.

Please see the 6/20/08 General Information System message GIS 08 TA/WMS008 for further information.

Q67: Is the data contained in the “Fugitive Felon” match considered Verified Upon Receipt?

A67: As explained in GIS 08 TA/WMS008, the probation and parole violator data contained in the “Fugitive Felon” match continues to be Verified Upon Receipt. There are now separate Client Notices System (CNS) transaction codes related to this data. The data that is specific to fugitive felons is no longer Verified Upon Receipt. In order to establish that a felon is actually fleeing, the LDSS must (1) ask the issuing agency if it is seeking the individual with the intent to prosecute the individual and, if so, (2) obtain a copy of the flight warrant from the issuing agency or a written statement from such agency on their letterhead with the specific flight/escape warrant information. Once the LDSS has completed these two steps, the information is Verified Upon Receipt, and a closing can be initiated.

Q68: Can the Fugitive Felon data be made available to Eligibility Workers through Centraport?

A68: Not at this time.

2. Prison Match

Q69: Can you redesign WMS so that a flag could appear when a known Prison Match’s SSN is input during the TA application process?

A69: We agree that this information would be beneficial at application. However, adding this type of notification is not possible due to the current confines of WMS, which is an older, legacy-based computer system. We do expect that this type of interface will be available for all of our computer matches when the new front end system is built as part of the Statewide Welfare Management System (SWMS) implementation.

Q70: Is the Prison Match nationwide?

A70: No. The Prison Match contains data only from local prisons and New York State prisons within the Department of Correctional Services and the Division of Criminal Justice Services.

Q71: Does the Prison Match contain TA and FS recipients who are in local jails and are released after a short time?

A71: The Prison Match does include data from local jails, but the Match contains a length of incarceration edit that will prevent individuals who are incarcerated less than 30 days from appearing. Generally, individuals appearing on the Prison match are incarcerated for a year or more.

Q72: I thought prisoners had to remain in “Suspend” status until they are released?

A72: Temporary Assistance and Food Stamp regulations require the closing of cases for those individuals who are incarcerated. For Medical Assistance, the incarcerated individual’s case is not closed, but is placed in “Suspend” status (see MA policy directive 08 ADM-03).

3. Prison Match Auto Close Process

Q73: What is the purpose or goal of the Prison Match Auto Close Process?

A73: OTDA’s Prison Match Auto Close Process takes the Verified Upon Receipt data from the Prison match and automatically puts through a case closing/removal of the ineligible individual. This Process is expected to: (1) reduce the time it takes to close cases or remove ineligible individuals (2) save federal, State and local money, (3) reduce the Eligibility Worker’s caseload, and (4) reduce overpayments.

Q74: Is the Investigator or Eligibility Worker the contact on the Client Notices System (CNS) closing notice sent by the Prison Match Auto Close Process?

A74: The Eligibility Worker is the contact listed on the CNS notice.

Q75: Is the Prison Match Auto Close Process targeted specifically for New York City cases?

A75: No. The Prison Match Auto Close Process is a statewide initiative.

Q76: What if a recipient *not* in prison receives a closing notice via the Prison Match Auto Close Process?

A76: As with any type of negative action, the CNS notice sent to the recipient explains that the recipient must contact the LDSS. When the recipient contacts the LDSS, there is time to correct the incorrect information before the closing/removal actually takes place and the benefits stop.

The information contained in the Prison Match is Verified Upon Receipt, per 04 INF-20 and 06 INF-10. This is because the vast majority of time the data is correct, and the individual is ineligible.

If this situation occurs, the LDSS must contact Steve Bach in OTDA. His contact information is on Attachment I.

Q77: Will misdemeanor warrants be included in the Auto Close Process?

A77: No. The data being used for the Auto Close Process and/or what is allowed as a closing is not altered in any way.

Q78: What is the status for the Auto Close Process?

A78: The Auto Close Process is now in place for the Prison Match. Effective with the June 2008 Prison Match, single person TA and FS cases were Auto Closed.

Q79: Isn't the Auto Close Process a contradiction against FS Six-Month Reporters because they don't have to report being incarcerated?

A79: There are two important things to remember about FS recipients who are on simplified reporting:

1. An LDSS must act on information that is Verified Upon Receipt, even if the FS recipient did not have to report the information. Simplified reporting does not mean that the LDSS ignores information that is Verified Upon Receipt. Per 04 INF-20, 06 INF-10 and **07 INF-10**, many computer matches are Verified Upon Receipt.
2. At application and at recertification, the simplified reporting rules do not apply—the applicant or recipient must report *all* income, resources, circumstances and changes.

4. Public Assistance Reporting Information System (PARIS) Interstate Match

Q80: Is the PARIS Interstate Match going to be part of the Auto Close initiative?

A80: It is not scheduled for the Phase I implementation. However, it may be included in the future.

Q81: If an LDSS is having problems getting a state to close a PARIS Interstate Match hit – what should they do?

A81: There are a number of things. First, the recipient has the responsibility to contact the other state to get the case closed. The LDSS must assist the recipient where possible. If there is clear evidence that the other state is not responding, Steve Bach from OTDA may be contacted. His contact information is on Attachment I. He may be able to obtain the necessary documentation or block the hit from reappearing on the Match.

Q82: Does the PARIS Interstate Match provide the number of months a recipient has been receiving assistance in the other state?

A82: No. There is no capability for that within the confines of the current system.

Q83: When using the new Recipient Fraud Matching System (RFMS) web-based system for the PARIS Interstate Match, how does an LDSS make a change to a resolution previously entered?

A83: Please contact your OTDA/A&QI Regional Representative regarding a resolution that needs to be changed.

Q84: Is the PARIS Interstate Match data available through the RFMS admissible in a Fair Hearing?

A84: Yes. The data being transmitted has not changed - only the format and delivery method have changed. In the case of a fair hearing, LDSSs should make a copy of the screen shot and present that as evidence, along with a copy of this page of this Directive and any other pertinent information, such as 04 INF-20 and 06 INF-10.

5. Legally-Exempt Day Care Provider (LED) Match

Q85: Is the Legally-Exempt Day Care Provider (LED) Match new?

A85: Yes. A pilot of this Match was performed in one Upstate county in 2007, and the results were promising. OTDA then conducted a match of all **Upstate** active TA and FS recipients with no income and income other than earned income source code 09E "Family Day Care Provider Income" and 20E "Net Business Income/Income from Self-Employment" against the OCFS file of approved legally-exempt day care providers.

Q86: How often will this Match be sent to us?

A86: The initial LED Match was a pilot for Upstate counties. OTDA must determine the effectiveness of the Match and, based on that, the future frequency of the Match. A modified version of this Match, with alterations made due to the analysis is planned for 2009, again for Upstate counties.

6. TA Lottery Intercept

Q87: What case types are subject to the TA Lottery Intercept?

A87: Individuals who were 21 and older while receiving benefits under the following case types are subject to the TA Lottery Intercept:

- TANF (Case Type 11, 12),
- SNA (Case Type 16, 17), and
- EAF (Case Type 19).

Q88: Is the TA Lottery Intercept just for those who are currently in receipt of assistance from these case types?

A88: No. Any of the assistance types listed above that were received within the last 10 years that have not been repaid are eligible to be recouped through the TA Lottery Intercept, regardless of whether the case is active or not.

Q89: What lottery prizes are eligible for the TA Lottery Intercept?

A89: Any prize from the NYS Division of the Lottery (including winnings from Video Gaming Machines) that equals or exceeds \$600 is eligible for this Match. OTDA will withhold up to 50% of any eligible prize to repay a client's prorated share of TA benefits. By law, OTDA cannot withhold more than a client's prorated share of TA benefits.

Q90: May a client appeal a TA Lottery Intercept?

A90: Yes, if a client has already repaid the TA obligation or is not the person identified by the New York State Lottery. The client must appeal in writing to OTDA's TA Lottery Intercept Unit, per 18 NYCRR 396.2.

Q91: May a TA Lottery Intercept occur for both a husband and wife?

A91: Yes. The TA Lottery Intercept is conducted on an individual basis, not on a household basis. The SSN submitted at the time the Lottery prize is claimed is the SSN that is matched to WMS.

7. Verified Employment Data (VED) from the National Directory of New Hires (NDNH) Match

Q92: I see on RFI (Resource File Integration) in WMS that there is a new resource called "VED". What is that?

A92: Per 08 INF-08, this is the Verified Employment Data that was obtained by OTDA after the match of TANF adult individuals against the federal National Directory of New Hires (NDNH) database took place.

The VED information can be resolved through Option 1: Case Resolution on the RFI menu in WMS. VED screens are the first RFI resource on the resource list per individual in the case.

Q93: Who is included in the TANF Adult universe that is submitted monthly to the NDNH?

A93: The file contains any adult who received a TANF payment in the run month **and** is currently active in a TANF Case Type 11 or 12.

Q94: How often is the VED match run?

A94: OTDA matches to the NDNH database monthly, and the return file must then be verified. TALX-verified VED data is fed into RFI monthly, while Manual Employment Verification (MEV)-verified data is fed weekly.

Q95: Why don't you reduce the amount of VED that you send to the Eligibility Workers in RFI by first checking to see if there is income in the budget before you send the VED?

A95: This would defeat the purpose of the Match. The VED originated from a W-4 **New Hires** hit. It is possible that the TANF adult recipient has income on the budget, but it is from a different employer. If there is income on the budget, the Eligibility Worker must check the case record to see if the employer is the same as the one identified in the VED.

Q96: Are there plans to eliminate the State Directory of New Hires (SDNH) from RFI?

A96: Not at this time. The SDNH is run against the current TA, FS, and MA populations. The NDNH match that feeds the RFI VED information is only run against TANF adult recipients.

Q97: Is the SSN the only matching criterion used in the NDNH match?

A97: No. The Federal Matching Criteria for NDNH are: SSN, first character of the first name and first two characters of the last name. All SSNs are verified prior to the NDNH match. RFI Resolution Code **08** - "Wrong Individual Matched" is available if the Eligibility Worker determines it is not the same individual.

Q98: I understand that VED information on RFI is Verified Upon Receipt and must be acted on timely, but how will I know that I have VED information on a case if I haven't gone into that case for any other reason?

A98: Program Integrity sends a weekly "Alert Report" to Local District NDNH Coordinators (LDNCs) containing any VED information loaded into RFI for their district. The LDNCs must either notify the Eligibility Worker of the RFI VED information or resolve it themselves.

Q99: How often are VED Aging Status Reports run?

A99: VED Aging Status Reports are run monthly.

Q100: Do these Aging Status Reports contain all outstanding cases, or only those not previously reported?

A100: All cases that have not been given a resolution code within **60** days are included in the Aging Status Reports.

Q101: What if an individual is "working off the books"?

A101: Someone working off the books does not complete a W-4 form and, therefore, would not exist in the NDNH database to be matched. For this reason, individuals “working off the books” will not appear as a VED hit.

Q102: Could VED information already be included in the budget?

A102: Yes. It is possible that the recipient already reported the income. It is also possible that there is income in the case that is not the same as the VED information. As explained in Question 95, when the Eligibility Worker receives the VED information, the Eligibility Worker must review the case record and budget to make sure that the employer is the same as the one identified in the VED and that the income is budgeted correctly.

Q103: Does the VED information include termination date and reason for termination?

A103: Yes, if it was given by the employer.

Q104: Could LDSSs receive multiple employment verifications for a single SSN?

A104: It is possible that one individual may generate more than one employment verification. This is due to the fact that more than one W-4 may be on the NDNH for that individual, or that when the individual is run against the TALX/The Work Number database, TALX/The Work Number had more than one employer for that individual.

Q105: Must LDSSs resolve all VED information received, regardless of the dollar amount involved?

A105: Yes. The LDSS must select one of the following five Resolution Codes in RFI:

- 01 Closed Prior to the Match
- 02 No Case Action
- 03 Re-budgeted, but Case Remains Open
- 06 Closed as a Result of the Match
- 08 Wrong Individual Matched

One of the following Supplemental Codes is also required for VED hits:

- A Referred to Investigation Unit for IPV
- B Recoupment Being Assigned
- C Recoupment Being Assigned **and** Referred to Investigation Unit for IPV
- N No Supplemental Code

OTDA will have already filtered out any VED information where the annual income was \$100 or less or where less than four weeks (28 days) of detailed wage data is available.

Q106: Will the LDSSs ever receive VED information on closed cases for the pursuit of repayments and possible IPV's?

A106: OTDA internal discussions have been held but, at this time, only VED information on *active* cases will be sent.

Q107: Must LDSSs re-verify the VED information?

A107: No. The VED information is Verified Upon Receipt, and negative action, if appropriate, may be taken immediately

Q108: What documentation supports LDSSs in Fair Hearings associated with the VED information?

A108: In the event that a LDSS's negative action has prompted the individual to call for a fair hearing, the LDSS should use the following items for support:

- The NDNH ADM (06 ADM-13);
- The RFI/VED INF (08 INF-08); **and**
- Copy of the screen prints from RFI/VED that show the detailed wage data. These may be obtained from the RFI VED history function (Option 8 on the RFI Menu).

Q109: How much time do LDSSs have for resolving the VED hits?

A109: LDSSs must return all Codes and Resolution Dates within **45** days of receipt of the hit.

Q110: What code must be entered if there is no IPV or Recoupment associated with resolution of the VED information?

A110: One of the four Supplemental Codes (see Answer 105) must always be used when resolving a VED hit. In this instance, the LDSS would enter Supplemental Code N – “No Supplemental Code”.

Q111: What code(s) must be entered if the VED information *might* be sent for IPV investigation, but the Eligibility Worker is unsure of the result?

A111: If an IPV is suspected, the LDSS should use either Supplemental Code A – “**Referred to Investigation Unit for IPV**” or C – “**Recoupment Being Assigned and Referred to Investigation Unit for IPV**”. An IPV does not need to have been adjudicated in order to employ these Supplemental Codes.

Q112: When should Eligibility Workers use the RFI Resolution Code “02 - No Case Action”?

A112: “No Case Action” should be used as a resolution when:

- the client is no longer in a TANF-funded case (because OTDA must report back to the federal government only the impact on the TANF case); or
- the income had already been budgeted.

Q113: What if VED information is received for a client who is no longer in a TANF-funded case?

A113: If the client is no longer in a TANF-funded case, that VED information must be assigned the 02 - “No Case Action” code, because the data was originally derived from the NDNH match, and the NDNH match is on TANF adults. However, an Eligibility Worker still must use the VED information to:

- review against the current case,
- see if the income was known, and
- review for IPV or recoupment.

Q114: What are the FS implications for VED information?

A114: The LDSS is receiving Verified Upon Receipt data. It must be applied to the FS portion of the TANF case, per 01 ADM-09.

Q115: Do LDSSs need to report any VED cost avoidance to OTDA?

A115: No. LDSSs must only resolve all VED hits in RFI with a Resolution and Supplemental Code. OTDA will then automatically calculate cost avoidance for its internal and federal reporting purposes. As with any Program Integrity initiative, LDSSs who wish to calculate their own cost avoidance should use the cost avoidance amounts found in 08 INF-13.

Q116: The VED screens only provide up to the most recent three months of verified employment data. What if I wish to see if the individual has been working longer than three months?

A116: For VED information received by TALX/The Work Number [indicated on the VED screen under “SRCE” by a “T”], LDSSs can obtain employment verification going back three years through eXpress, by requesting an employment verification for that employer. However, for VED information that did not come from TALX/The Work Number, LDSSs will need to perform their own manual follow-up directly with employers.

Q117: Is there VED history in RFI? This would be helpful to show a recipient’s work history.

A117: Yes. VED information **does** have a historical repository from which LDSSs may obtain copies later on, for IPV or FH documentation. VED History Screens may be accessed through Option 8 on the WMS RFI Menu.

The VED History Screens provide only the data on *resolved* cases. As with the other RFI resources, *unresolved* cases must be accessed through Option 1 “Case Resolution” on the WMS RFI menu.

Q118: Is the NDNH computer match that feeds the RFI VED mandated?

A118: Yes. The Match is mandatory for all LDSSs because the federal government allows states the option to match their TANF adult recipient caseload against the NDNH, and New York State exercised this option.

Q119: What is the difference between the VED/NDNH and the State Directory of New Hires (SDNH) matches?

A119: The NDNH database contains data from all IRS W-4 forms completed nationwide. OTDA matches the NYS **Adult TANF** recipient file against the NDNH database. OTDA then verifies the employment of those hits and feeds the data into the RFI system as VED information. The SDNH database contains only data from W-4 forms submitted to New York State Tax and Finance, and the employment is not verified.

The NDNH/VED information differs from the SDNH because the VED information provided to the LDSSs is Verified Upon Receipt and is comprised mostly of employers who are not required to report to Tax and Finance, such as out-of-state employers, multi-state employers and federal employers.

Q120: If an Eligibility Worker enters the wrong resolution or supplemental code for a VED hit, what can be done to correct it?

A120: If an LDSS needs to change a code for a VED hit, the Local District NDNH Coordinator (LDNC) should email Lisa McLain with the case number and correct code. Her contact information is on Attachment I.

Q121: Is it possible that VED information appearing on a VED Alert Report could be system-resolved by the RFI system, rather than by an Eligibility Worker?

A121: Yes. The following are RFI system-resolution codes:

- R – Resolved, data is duplicate;
- S – App/case is not locked or it is 260 days year prior;
- N – App/case not found;
- C – Case closed from daily process; and
- P – Case closed from monthly process.

Please note that since the RFI system-resolution codes are generated *after* the VED information is loaded into RFI, it is possible that VED information that was system-resolved might still appear on the VED Alert Report.

Q122: If an RFI system-resolution code is assigned, how will I know?

A122: If the Alert Report has VED information that does not appear when searched for through RFI Option 1 “Case Resolution”, the VED information may have been system-resolved, or it may have been assigned an “X” by the Eligibility Worker (“Temporary unlock the app/case for three days”). This can be checked by searching for the same case in Option 8 “VED History Screens”. If the case has been system-resolved or has been assigned an “X”, it will appear in the History Screens with the assigned code.

Q123: What action should the Eligibility Worker take if VED information has been system-resolved?

A123: The Eligibility Worker does not need to take any further action.

H. Statewide TALX/Work Number Contract

Q124: Can I get to the TALX/Work Number website even if I don’t have Internet access?

A124: Yes, through Centraport on WMS (under “Links: Other Web Sites”).

Q125: Besides Centraport, how else can you access eXpress?

A125: eXpress can also be accessed through:

- The Work Number’s website (www.theworknumber.com)
- The eXpress phone service at: 800-660-3399. This is an automated number; there is no live operator.

Q126: Can we use the TALX/Work Number contract in other areas of our agency, such as FS, MA or Child Support Enforcement, or for case types other than FA?

A126: Yes, OTDA recommends that LDSSs fully utilize the TALX/Work Number eXpress and eBatch Services in any areas where their agency needs employment verification or where it currently submits to the TALX/The Work Number Corporation for verification.

Q127: What is the difference between the “SSN Search” and “Income Verification” functions on eXpress?

A127: The first step when accessing eXpress is the SSN search. There is NO CHARGE when the LDSS performs an SSN search. The SSN is entered, and the return screen displays the list of all employers matched to that SSN. The employee’s status with that employer, such as “active” or “terminated”, is also displayed.

After viewing the SSN search results, the user may opt to go further. The second step is the Income Verification. The user selects an employer from the list displayed and clicks “GO”. The return screen will then display the detailed wage data for the selected employer. **Each** time an employer is selected from that list for an Income Verification, the LDSS is charged a gross fee of \$1.98, and then the cost can be claimed for reimbursement on the Schedule D10, subject to available funding.

Q128: How much does eXpress cost?

A128: As explained above, there is no charge when the SSN search is performed. The current LDSS gross fee for each Income Verification is \$1.98. Costs can be claimed for reimbursement on the Schedule D10, subject to available funding, through OTDA’s Finance office.

Q129: Can a user look up employment status through eXpress and, if active, get the detailed wage data from the free service?

A129: No. The free service becomes disabled once the LDSS signs up for eXpress through OTDA.

Q130: What is the eXpress Help Desk contact information?

A130: 24-Hour Electronic Help Desk: <http://www.theworknumber.com/Contact>

or

Call Center Number: 1-800-996-7566.

Q131: Does TALX/Work Number provide training?

A131: Training materials are available through Centraport on www.trainingspace.org, under “Software Training”:

- *eXpress Service Demo*: A very quick step-by-step look at how to conduct an eXpress transaction.
- *The Work Number Demo*: A narrated Flash movie containing basic information about The Work Number.
- *Using The Work Number Quick Reference Card*: A one-page reference guide for using eXpress Service.
- *The Work Number Homepage*: A web site with further information on using this product.

There is also training at the following website:

<http://www.theworknumber.com/SocialServices/eXpressDemo1.asp>.

In specific instances, other training by TALX personnel could be scheduled. Please contact Kathleen Murphy (see Attachment I of this Directive for contact information) for more information on TALX training.

Q132: How do users sign up for eXpress?

A132: Users must contact their Local District TALX Coordinator (LDTC), who will then forward the request, if approved, on the “Work Number Authorized Users: Change, Add, Delete” form to Kathleen Murphy. Her contact information is on Attachment I.

Q133: How long will it take for a request for new users to be processed?

A133: Depending on the number of users being requested, the average processing time is three - five days. If you have not received the information after one week, please notify Kathleen Murphy, and she will check with TALX/Work Number.

Q134: Is there a limit to the number of users per LDSS who can access the Work Number?

A134: No. It is up to the LDSS to decide how many eXpress users it allows to perform employment verifications, since the LDSS incurs a cost per verification.

Q135: What should users do if they lose their user ID or password?

A135: Users must contact their LDTC, who will possess a master list of all user IDs for that LDSS or a designated back-up TALX/The Work Number information holder, if the LDSS has designated one. If any issues still exist, please contact Kathleen Murphy. Her contact information is on Attachment I.

Q136: If I can't log in to eXpress, what do I do?

A136: Contact your LDTC and check that you have used the correct fax number, and user ID. The most common reason for login errors is issues with the fax number. TALX/Work Number uses the fax number provided on the eXpress user request form as an identifier to connect with your user ID. The fax number provided on the form must be the one entered at login. If the LDTC cannot remedy the issue, please contact Kathleen Murphy. Her contact information is on Attachment I.

Q137: How can the LDSS track how many eXpress Income Verifications were run?

A137: TALX/Work Number provides OTDA with Monthly eXpress Usage Reports by LDSS, which are forwarded on to the LDTC.

Q138: I performed an SSN search on the Work Number and found multiple individuals with the same SSN. What should I do?

A138: Notify OTDA PI immediately. In these cases either the employer incorrectly entered the SSN or the SSN may have been stolen.

Q139: Is there a way to see all the employers listed with the Work Number?

- A139: Yes. Begin by accessing www.theworknumber.com through either Centraport or the Internet. Enter the Social Services section and click on the “See All Employers” link.
- Q140: Does TALX/Work Number plan on adding a date to the employment activity status on the SSN Search results page?**
- A140: Yes, this is part of the next planned eXpress enhancements and would appear on the first SSN search screen along with the employers matched.
- Q141: Does NDNH or TALX/Work Number have employers from Puerto Rico?**
- A141: NDNH does contain the W-4 data of employers from Puerto Rico. TALX/The Work Number has many Puerto Rican employers that subscribe to their service.
- Q142: Does TALX/Work Number provide health insurance information?**
- A142: TALX/Work Number does provide third party health insurance information through eXpress, the free service, and eBatch *if it is provided by the employer*.
- Q143: Does the wage detail provided by TALX/Work Number, a third party, create a hearsay problem when pursuing an IPV?**
- A143: The employment data provided by the employer is simply stored by TALX/Work Number and is then passed on to the requestor. TALX/Work Number does not alter the data—that is why it is considered Verified Upon Receipt. If specifically requested by a District Attorney, court or other appropriate authority, however, TALX/Work Number can provide a certified copy of the wage information for fair hearings and criminal investigations.
- Q144: How do I know if a Temporary Employment Agency employee has current income?**
- A144: TALX/Work Number will include an employment activity status of ‘Not Currently on Assignment’ for participating Temp Agencies. “Not Currently on Assignment” indicates that the employee has not received income in at most 90 days.
- Q145: What should an Eligibility Worker or Investigator do if an income verification they obtain shows the employment status as “Active”, but the income is old?**
- A145: Notify Kathleen Murphy (her contact information is on Attachment I), and she will notify TALX/Work Number.
- Q146: When can LDSSs use eBatch?**
- A146: eBatch is the ability to transmit a high volume of SSNs at one time to TALX/Work Number and receive back the next day a file of the detailed wage

data available for those SSNs. There is currently NO COST to the LDSSs to request an eBatch. However, each eBatch request must be approved by OTDA in advance.

LDSSs are required to designate a single eBatch contact person and must return to OTDA a completed eBatch Request Form each time an eBatch match is desired. For more information on eBatch, please contact Robert Antonacci. His contact information may be found on Attachment I of this Directive.

Q147: What software capabilities will LDSSs need to transmit eBatches?

A147: LDSSs must have the “PGP Encryption” software to transmit eBatches.

Q148: What is the minimum number of records for eBatch?

A148: 100 records are the minimum number for an eBatch.

I. Fraud Allegations

Q149: What do I do when I receive a fraud allegation from OTDA Program Integrity?

A149: Program Integrity is frequently contacted by taxpayers and other agencies concerning allegations of fraud. OTDA completes in-house research and, if appropriate, OTDA will complete the Fraud Allegation Form (see Attachment IV of this Directive) outlining the fraud allegation and will forward that form to the Fraud Director in the appropriate county. Fraud Directors must investigate the allegation and report back to OTDA the outcome of their investigation and whether any case action was taken.

Q150: What time frames do I have to respond to a fraud allegation?

A150: For allegations forwarded to Program Integrity by USDA, a response within **45** days is required. For all others, PI requires a response within **60** days. The necessary response time will be included when the allegation is forwarded to the LDSS Fraud Director.

Q151: Is OTDA Program Integrity going to develop a website for fraud allegations?

A151: OTDA Program Integrity has a fraud reporting form that can be printed off the main OTDA webpage: <http://www.otda.state.ny.us/main/data.asp>, click on “Reporting Welfare Fraud”. Eventually, complainants will be able to complete the form online and transmit the information directly to Program Integrity.

Q152: If I receive information about an applicant or recipient who is defrauding a federal program, such as SSI, may I pass that information on to the appropriate federal agency?

A152: Yes. Social Services Law 136 provides LDSSs with the authority to pass this information on to the appropriate federal agency.

J. AccuriZ Real Property Records

Q153: LDSSs used to be able to access real property records through Centraport, at the United States Public Data Records (USPDR) site. Why is the link no longer there? *{revised}*

A153: The owners of the USPDR database re-formed the company into a new company called “AccuriZ” and required a purchase of service, which OTDA recently completed. The terms of the purchase agreement allow each LDSS to have access to this data through an assigned password. The Fraud Director or designated staff member, as well as a back-up staff member if one was requested, were assigned a password for this purpose.

AccuriZ can be accessed through Centraport. The link is located under the “Other Web Sites” heading and is listed as “Property Records Information”. It is also possible to access AccuriZ by going directly to the company’s website, www accuriz.com.

For more information on AccuriZ, please contact Kathleen Murphy or Robert Antonacci. Their contact information may be found on Attachment I of this Directive.

K. General Questions

Q154: May an LDSS Investigative Unit show a list of applicants to its local law enforcement agency to see if any of the applicants have any outstanding warrants?

A154: No. Requesting criminal history/status about an individual directly from law enforcement would be a breach of client confidentiality. Please see 97 ADM-23, Section E, for situations in which information may be shared.

Q155: Is “common law marriage” recognized in New York State?

A155: No.

Q156: Is “same sex marriage” recognized in New York State? *{revised}*

A156: Currently, same sex marriage that is performed in New York State is not recognized. Please note, however, that a February 1, 2008, Fourth Department court decision in Martinez v. County of Monroe held that legal same-sex marriages performed in other jurisdictions are “entitled to recognition in New York in the absence of express legislation to the contrary”. New York State Governor David Patterson, pursuant to this court decision, directed all state

agencies to revise their policies and regulations to recognize legal same-sex marriages performed outside of New York State.

Q157: I know that OTDA calculates estimated cost avoidance for all of its initiatives, but is there something that my agency should be doing with the figures?

A157: It is helpful to understand how tremendous an impact Eligibility Workers and Fraud Investigators have on program costs and anticipated savings statewide. This can partially be understood with the calculation of the cost avoidance estimates. 08 INF-13 provides current information on cost avoidance calculations.

Q158: What if an applicant did not sign the affirmation page of the original LDSS-2921 “Application” [or the LDSS-4826 “FS Benefits Application/Recertification”] — may we send the applicant a blank copy of the application for signature?

A158: The LDSS should send a photocopy of the entire application to the applicant and obtain an original signature on the photocopy.

Note: Signatures on faxed application signature pages, such as those used by HRA’s facilitated POS e-app process, are acceptable, as well as the electronic signature on an electronic application received through the myBenefits program.

Issued By

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