

**GENERAL INFORMATION SYSTEM**  
**Center for Employment and Economic Supports**

**June 7, 2011**

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**TO:** Commissioners, TA Directors, FS Directors, Fraud Investigators, Legal Staff,  
WMS Coordinators, and Staff Development Coordinators

**FROM:** Russell Sykes, Deputy Commissioner, Center for Employment and Economic  
Supports

**SUBJECT:** False or Misleading Marital Status Information Admission Statement Form  
and Food Stamp Program Intentional Program Violations

**EFFECTIVE DATE:** Immediately

**CONTACT PERSON:**

TA Program Questions: Temporary Assistance Bureau at (518) 474-9344

FS Program Questions: Food Stamp Bureau at (518) 473-1469

Program Integrity Questions: William Donnelly at (518) 402-0129

**Background**

**GIS 10 TA/DC004, dated February 5, 2010,** provided clarification about the criteria that must be applied in order to determine if a false or misleading statement by an applicant or recipient of food stamp (FS) benefits constitutes an Intentional Program Violation (IPV). In that GIS, the local districts were informed that OTDA was in the process of developing a recommended admission statement form that, when signed by a TA-FS or NTA-FS applicant or recipient and submitted in combination with the required IPV hearing packet, would provide a sufficient basis to begin the IPV hearings process.

**Purpose**

The purpose of this GIS is to inform local districts about the availability of the English version of this recommended admission statement form. A copy of the form is attached to this GIS. This form is not yet available among the LDSS e-forms or in translation. Translation into languages other than English will be forthcoming, as will the assignment of an LDSS e-forms number. An INF will be issued to inform the local districts about the release of those documents.

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**Program Implications**

Local districts are strongly encouraged to review **GIS 10 TA/DC004, dated February 5, 2010**, and the entire policy regarding the criteria that must be applied in order to determine if a false or misleading statement by an applicant or recipient of either Temporary Assistance (TA) or food stamp (FS) benefits constitutes an Intentional Program Violation (IPV).

In summary, however, The New York State Food Stamp program regulations at 18 N.Y.C.R.R. § 387.1(w) define the composition of a food stamp household to include the spouse of a member of the household who lives in the household. Such spouses are considered to be purchasing and preparing meals together even if they do not do so. As such, spouses living together always must be included in the same food stamp household. Spouses not living in the same household are not automatically considered to be part of the same food stamp household.

For purposes of determining whether an individual has committed an IPV in the Food Stamp program, however, it is not necessary that his or her spouse be part of the food stamp household. If the applicant/recipient provides a false or misleading statement on an application/recertification form regarding marital status, the applicant/recipient may have committed an IPV if the district can clearly establish that the applicant/recipient:

1. Intentionally made the false or misleading statement as to marital status on the application/recertification form, **and**;
2. Made the false or misleading statement for the purpose of either affecting their eligibility for the Food Stamp Program or the amount of their benefit, regardless of whether it actually did affect either their eligibility or benefits.

As noted in **GIS 10 TA/DC004**, for an admission statement regarding the intentional provision of false or misleading marital status information to be acceptable, the statement must contain an acknowledgement that the applicant/recipient understands that he/she does **not** have to sign the statement and an acknowledgement of the consequences of signing such an admission. The attached recommended admission statement contains an acknowledgement that the applicant/recipient understands that he/she does not have to sign the statement and sets forth the consequences of signing such an admission.

**STATEMENT BY FOOD STAMP APPLICANT/RECIPIENT REGARDING THE  
PROVISION OF FALSE OR MISLEADING INFORMATION AS TO CURRENT  
MARITAL STATUS**

I hereby certify that I intentionally provided false or misleading information about my marital status on my Food Stamp Application and/or Recertification form AND that I provided this false or misleading marital status information for the purpose of affecting my household's eligibility for food stamp benefits and/or my household's food stamp benefit amount. I intentionally provided the incorrect information about my marital status because I thought the incorrect information would make my household eligible for food stamp benefits and/or make my household eligible for more food stamp benefits than I would have received if I provided my correct marital status.

I am aware that this statement may be used in an administrative disqualification proceeding for an Intentional Program Violation in the Food Stamp Program. I am also aware that if I am found to have committed an Intentional Program Violation, I will not be allowed to participate in the Food Stamp Program for one year if this is my first ever food stamp Intentional Program Violation, two years if this is my second Intentional Program Violation and permanently (never allowed to participate in the Food Stamp Program again) if this is my third Intentional Program Violation.

I further acknowledge that I am aware that I do not have to sign this statement and affirm that I sign below willingly. No promises or threats have been made to make me sign this statement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name