

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 2024

FINAL

ORDER

Case Processing Procedures - Fraudulent Receipt of Benefits in Multiple States

BEFORE DELAWARE HEALTH AND SOCIAL SERVICES
IN THE MATTER OF

REVISION OF THE REGULATION)
OF DELAWARE'S)
DELAWARE SOCIAL SERVICES MANUAL (DSSM))
DSSM 2024)

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services (Department) / Division of Social Services initiated proceedings to amend Division of Social Services Manual (DSSM) regarding Case Processing Procedures, specifically, to explain the procedures for disqualifying individuals from cash assistance and food benefit programs when an individual has been found guilty of fraudulently receiving these benefits in multiple states. The Department's proceedings to amend its regulations were initiated pursuant to 29 *Del. C.* § 10114 and its authority as prescribed by 31 *Del. C.* § 512.

The Department published its notice of proposed regulation changes pursuant to 29 *Del. C.* § 10115 in the April 2020 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by May 1, 2020, at which time the Department would receive information, factual evidence, and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after May 11, 2021, Delaware Health and Social Services (Department)/Division of Social Services (DSS) proposes to amend the Division of Social Service Manual (DSSM) section 2024 specifically to explain the case processing procedures for disqualifying individuals from cash assistance and food benefit programs when an individual has been found guilty of fraudulently receiving these benefits in multiple states.

Statutory Authority

- 42 U.S.C. § 608 (a)(8)
- 7 C.F.R. § 273.16 (b)(5)

Background

Federal regulations mandate that individuals who are found guilty of fraudulently receiving cash assistance or food benefits in multiple states are disqualified from receiving these benefits for a 10-year period. DSSM 2024 identifies the disqualification criteria for multiple benefits for cash assistance programs and the Supplement Nutrition Assistance Program (SNAP) and provides case processing instructions for DSS staff.

NOTE: Regulation 2024 is being published as final. Regulation 2024 was originally proposed with Regulation 2020 on burial assistance in 23 DE Reg. 827 (04/01/20) (Prop.). Regulation 2020 will be republished at a later date.

Purpose

The purpose is to amend DSSM 2024 to improve the format of the policy and to include the current procedures for disqualifying individuals for fraudulently receiving cash assistance or food benefits in multiple states.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 447.205 and the *state* public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) gives public notice and provides an open comment period for thirty (30) days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on May 1, 2020.

Fiscal Impact Statement

There is no anticipated fiscal impact associated with this policy change.

Summary of Comments Received with Agency Response and Explanation of Changes

No comments were received during the public comment period.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the April 2020 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Service Manual section 2024, specifically to explain the case processing procedures for disqualifying individuals from cash assistance and food benefit programs when an individual has been found guilty of fraudulently receiving these benefits in multiple states, is adopted and shall be final effective May 11, 2021.

4/13/2021

Date of Signature

Molly K. Magarik, Secretary, DHSS

POLICY – AMENDMENT

Delaware Department of Health and Social Services
Division of Social Services
Policy and Program Development Unit

2024 Disqualification for Receipt of Multiple Benefits Disqualifying Individuals for the Fraudulent Receipt of Benefits in Multiple States

42 USC 608 (a)(8); 7 CFR. 273.16 (b)(5)

For Cash Benefits:

- ~~Individuals shall be ineligible to receive cash benefits as a member of any assistance unit for a ten (10) year period if they misrepresent their place of residence in order to receive multiple benefits.~~
- ~~The individual must have been convicted in Federal or State court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance from two or more states at the same time. This provision applies to programs funded under Title IV, Title XIX Medicaid program, the Food Stamp Act of 1977, and Title XVI Supplemental Security Income program. This does not apply to an individual for whom the President of the United States has granted a pardon.~~
- ~~Determine income, resources, and deductions according to DSSM 4003.2 if the individual is a parent payee. Exclude the income and resources of the individual if the person is a non-parent payee.~~

For Food Stamps:

- ~~Individuals shall be ineligible to receive food stamp benefits as a member of any household for a 10 year period if they misrepresent their identity and/or place of residence in order to receive multiple food stamp benefits.~~
- ~~The individual(s) must be found guilty by DSS to have made a fraudulent statement or misrepresentation to the identity and/or place of residence or convicted in a Federal or State court of having made a fraudulent statement or misrepresentation to the identity and/or place of residence in order to receive the multiple benefits at the same time.~~
- ~~Determine the income, resources and deductions of these disqualified individuals according to DSSM 9076.1.~~

Individuals who have been found guilty of fraudulently receiving cash assistance or food benefits in multiple states are disqualified from receiving these benefits.

1. Disqualification Criteria for Cash Assistance Recipients

- A. An individual is ineligible to receive cash assistance as a member of any assistance unit if the individual:

- i. Made a fraudulent statement or representation of the individual's place of residence to receive assistance from two or more states simultaneously; and
 - ii. Was convicted in federal or state court for this offense.
- B. The individual is disqualified from receiving cash assistance for a 10-year period beginning on the conviction date.
- C. The disqualification applies to programs funded under Title IV, Title XIX, and Title XVI of the Social Security Act and the Food and Nutrition Act of 2008.
- D. The disqualification does not apply to an individual for whom the President of the United States has granted a pardon for the conviction.
- E. DSS case workers must:
 - i. Determine the income, resources, and deductions according to DSSM 4003.2 if the disqualified individual is a parent payee; or
 - ii. Exclude the income and resources of the disqualified individual if the individual is a non-parent payee.

2. Disqualification Criteria for Food Benefit Recipients

- A. An individual is ineligible to receive food benefits as a member of any household if the individual:
 - i. Made a fraudulent statement or representation of the individual's place of residence or identity to receive assistance from two or more states simultaneously; and
 - ii. Was convicted in federal or state court, was found guilty as the result of an Administrative Disqualification Hearing, or signed a waiver of the right to an Administrative Disqualification Hearing for this offense.
- B. The individual is disqualified from receiving food benefits for a 10-year period beginning no later than the second month following the date the individual receives written notice of the disqualification.
- C. DSS case workers must:
 - i. Determine the income, resources, and deductions of the disqualified individual according to DSSM 9076.1.