

Intentional Program Violation for Emergency Assistance – Desk Aid



Purpose

The purpose of this Desk Aid is to explain the Intentional Program Violation (IPV) Policy and process for the Emergency Assistance (EA) program.

Objectives

Upon completion of this Desk Aid, you will be able to:

- Recognize cases that meet the IPV criteria and identify the appropriate penalty period
- Describe the timeframe and notices that need to be issued for an EA IPV
- Enter an IPV in WWP

W-2 Contact Information

Questions regarding this training material should be directed via your local agency process to the Partner Training Team,

Email: PTTTrainingSupp@wisconsin.gov

A contact person is available to answer e-mailed questions related to this training material, assist you in completing any activity that you are having difficulty with, and/or provide explanation of anything else about this training material.

Questions regarding W-2 production cases and systems should be directed via your local agency process to the BWF Work Programs Help Desk at:

Email: bwfworkprogramshd@wisconsin.gov

Telephone: (608) 422-7900.

W-2 Policy questions should be directed to your Regional Office staff.

DCF is an equal opportunity employer and service provider. If you have a disability and need information in an alternate format, or need it translated to another language, please contact (608) 535-3665 or the Wisconsin Relay Service (WRS) – 711.

For civil rights questions call (608) 422-6889 or the Wisconsin Relay Service (WRS) – 711.

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Introduction

In November 2012, the Intentional Program Violation (IPV) policy changed to allow W-2 agencies to determine IPV's and disqualify applicants. It also increased the IPV penalties. After a W-2 agency or fraud sub-contractor determines that an applicant or participant has committed fraud, the agency must determine whether the fraud is an Intentional Program Violation.

When imposing an IPV penalty, programs are independent of each other. If an IPV is committed as part of an Emergency Assistance (EA) application, the penalty applies only to EA. Only the individual that commits the IPV will be subject to the penalty period. Below is a person who received EA that we will be following throughout this desk aid.



This is Irena P. Vinca. She applied for EA on April 1st, 2020, and met with an EA worker to process the application on April 2nd. She stated her boyfriend moved out of the apartment in January and her mom helped her pay February rent, but has not been able to pay March rent. Irena completed the application and initialed the assurance statements. The worker let Irena know that she would be contacting the landlord to see if he or she is willing to accept the EA payment.

IPV Policy

What Is an IPV?

An IPV means:

- **Intentionally** making a false or misleading statement
- **Intentionally** misrepresenting or withholding facts
- **Intentionally** committing any act that constitutes a violation of state or federal law



The key word is “**Intentional.**”

Synonyms include: conscious, deliberate, intended, knowing, purposeful, willed, calculated, premeditated, and done on purpose.

An example of an IPV may include:

- Not informing the agency about income or assets;
- Withholding information that another person is in the home;
- Failing to disclose a change in residency; or
- Submitting documentation that has been forged or tampered with.

Who Determines an IPV?

W-2 agency or sub-contracting fraud investigator determines if a situation is fraudulent and an EA supervisor or designated staff needs to approve the IPV

To determine whether to impose an IPV penalty under the new policy, the W-2 agency must consider:

1. The date of the fraudulent act (it must be after November 1, 2012); and
2. Whether the fraudulent act meets the definition of an IPV.



Irena is being investigated for fraud after the EA worker received a report from the landlord that her boyfriend lives in the apartment.

After the investigation, the agency determined that Irena committed an IPV.

What Is the Penalty for Committing an IPV?

The individual who committed the IPV will be ineligible for a period of time. During this time, the individual is not eligible to receive payments and services from the program under which he or she committed the IPV.



The individual is ineligible for EA for:

- 6 months, first intentional program violation;
- One year, second intentional program violation; or
- Permanently, third intentional program violation.

A person who misrepresents his or her identity or residency can be convicted in federal or state court. If convicted, he or she will be banned from EA for 10 years.

Case Processing

Remember, only the individual(s) determined to have committed an IPV receive(s) the penalty. In a two-parent household, when one parent is ineligible, if the second parent was not involved in the IPV activity, he or she may apply for and may be eligible for EA. For EA, the ineligible individual is not included in the EA group, and the income and assets of the ineligible individual are not included when calculating financial eligibility (see EA Manual Chapter 8).

If the IPV is a result of a denied EA application, the penalty period begins the first day of the month following the IPV determination. Individuals who receive an EA payment are not eligible to receive EA for 12 months following the EA application date. For this reason, if the EA IPV is the result of an approved EA application, the penalty period begins the day following the end of this 12-month timeframe.

If the individual commits more than one fraudulent act at the same time, such as during application, the agency must impose only one IPV.

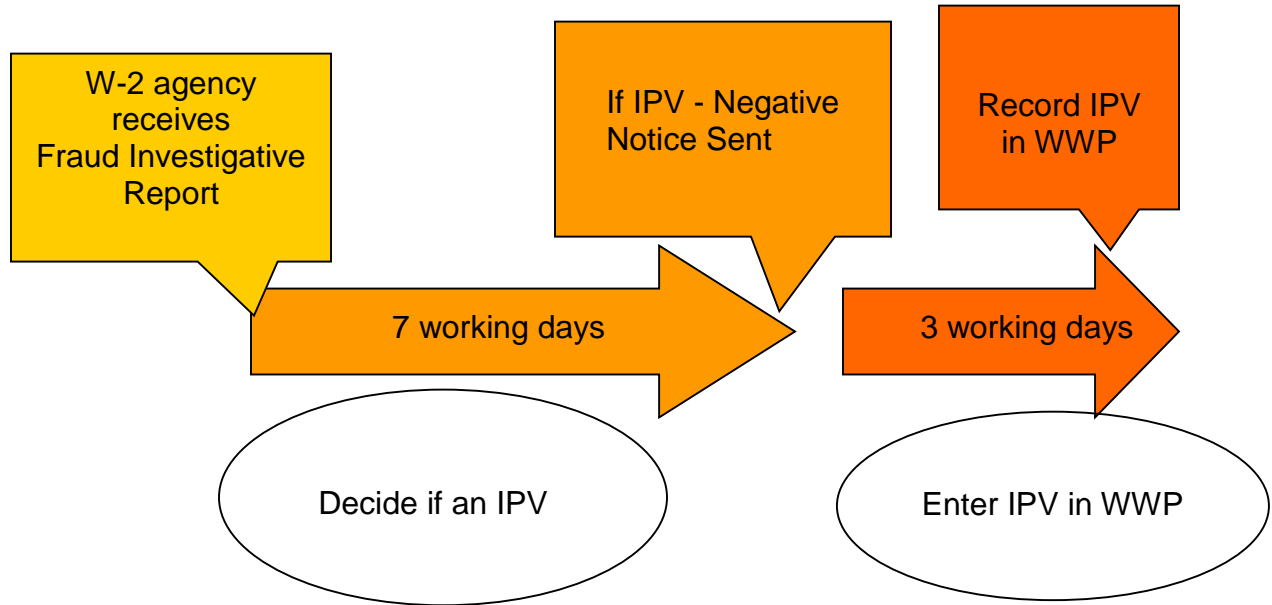
The W-2 agency must not impose a second or third IPV during the IPV penalty period. Following the end of the IPV penalty period, an individual must first re-apply for EA and commit another fraudulent act in order to receive a second or third IPV.



Irena is the only family member that is affected by the IPV, and it applies only to her EA eligibility. Her penalty period begins April 2, 2020, the day after the 12-month period ends.

Notices and Timeline

EA IPV Timeline



EA IPV Notice

If the W-2 agency determines that an EA applicant has committed an IPV, the agency must enter the IPV into WWP. Notices will be generated automatically. IPV in WWP. An IPV notice is generated after clicking Save. The EA IPV notice includes:

- Fraudulent act that resulted in the IPV;
- Whether this is the person’s 1st, 2nd or 3rd IPV;
- Penalty Period; and
- Agency’s contact information.



Irena receives the notice indicating she has an IPV. Irena calls her FEP and says she is very angry because she did not want anyone in her business. The FEP tells Irena about her right to a Fact Finding and explains the process.

Entering an IPV

EA IPV’s are entered in WWP. EA worker must have supervisor access to enter an IPV, but all EA workers must be aware of the impact of an IPV on an applicant’s EA eligibility. IPV’s can be entered only for applicants with approved or denied EA applications.

The screenshot shows the 'Worker Tools' search interface. At the top, there are tabs for 'Recently Accessed', 'Participants by Worker', 'Referrals & Transfers', and 'Search'. Below the tabs, there is a 'Search by:' section with a help icon. The search options include:

- Enter 10-digit PIN (text input)
- or
- First Name (text input)
- MI (text input)
- Last Name (text input)
- MM/DD/YYYY (text input)
- Male (radio button)
- Female (radio button)

 At the bottom of the search section, there are 'Search' and 'Clear' buttons.

Use the Search Function to find the applicant by entering the applicant’s Name and DOB or SSN. An IPV can be entered for an applicant only when there is an approved or denied application. Ensure you select the correct applicant when using the Search Function. Enter an IPV by clicking the applicant’s name and navigating to the **EA Application History** page.

EA IPV History

No Results Found

+ New EA IPV

Click + New EA IPV to enter an IPV for the applicant.

New EA IPV

Determination Date
12/21/2020

Reason(s) (Select all that apply.)
Reasons

Occurrence
[Dropdown]

WI County of Residence
[Dropdown]

Applicant Mailing Address
[Text Field]

City [Text Field] State [Dropdown] ZIP [Text Field]
Validate

Description (text will not display on EA IPV Notice)
Describe the IPV
1000 characters remaining

EA IPV Notice will automatically be generated when you Submit.
Any additional notes you would like to include on the EA IPV Notice should be entered here.
Notes

Cancel Submit

The Determination Date which auto populates, Reason(s), Occurrence, WI County of Residence and Applicant Mailing Address must be entered. A Description is required and it does not display on the notice. Enter EA Comments regarding the reason for the IPV and submit.

Active IPV

The IPV status changes from Pending to Active on the Penalty Start Date.

Status


Overturned

Penalty Start Date

Penalty End Date

Description (text will not display on EA IPV Notice)

1000 characters remaining

EA IPV History						
Determination Date	Agency	IPV #	Reason	Occurrence	Status	
11/25/2020	RS	1000031	Intentionally Provided Fraudulent Information	IPV Occurrence #2 - 12 Months	Active	

Deleting an IPV

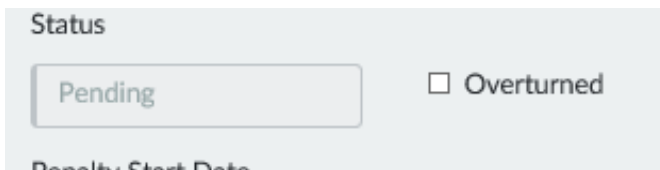
The reasons to delete an IPV include:

- Agency error; or
- New information.

To delete an EA IPV, email the BWF Work Programs Help Desk at bwfworkprogramshd@wisconsin.gov

Overturn an IPV

If the IPV has been overturned by a Fact Finding review or Fair Hearing decision. Edit the IPV to select the Overturned check box.



The screenshot shows a form with a 'Status' label. Below it is a dropdown menu currently displaying 'Pending'. To the right of the dropdown is a checkbox labeled 'Overturned', which is currently unchecked. Below the dropdown, the text 'Results: Start Date' is partially visible.


Select the pencil icon to edit the IPV in order to overturn the IPV.

Editing an IPV

An IPV maybe edited for the following reasons:

- New information; or
- Impact from change to another IPV.

A worker with the security role of EA supervisor can edit the IPV.

	<p>Irena is not eligible for EA for 6 months. This is her first intentional program violation. The penalty period will start on April 2, 2020. She will be eligible again on October 2, 2020. The W-2 agency may try to recover the payment.</p>
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Overpayment and Recoupment

An overpayment does not have to exist for there to be an IPV. EA overpayments may be recovered on a manual and voluntary basis.

Reports

Emergency Assistance IPV report is available in Webl.

Resources

BWF Operations Memo — 20-27

<https://dcf.wisconsin.gov/files/w2/ops-memos/pdf/20-27.pdf>

Emergency Assistance Manual

https://dcf.wisconsin.gov/manuals/ea-manual/Production/EA_Manual.htm