

**County of Orange Social Services Agency
Family Self-Sufficiency**

Program/Area: CalWORKs/Welfare-To-Work

Title: Fraud Referrals

Number: 100-H4

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Approved:

PURPOSE

The purpose of this policy is to provide guidelines for the fraud referral process in the CalWORKs program including cash assistance and Supportive Services (Child Care, Transportation or Ancillary).

POLICY

A complete and detailed referral shall be made to the District Attorney-Public Assistance Division (DA-PAD) for investigation when there are reasonable grounds to suspect that a crime (i.e., fraud, perjury, embezzlement, trafficking, etc.) against a public social services program has occurred.

DA-PAD investigates suspected fraud and suspected violations of law in connection with matters for which Social Services Agency has responsibility.

DA-PAD is a separate organization, independent of eligibility and benefit determination functions. Staff performing intake, redetermination, and recertification activities are responsible for eligibility/benefit determinations following CalWORKs/CalFresh (CW/CF) policies and procedures. DA-PAD staff cannot dictate CW/CF eligibility decisions but can make eligibility recommendations.

Bookmark hyperlinks within this policy:

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DEFINITION

Fraud is when an individual knowingly and with intent to defraud:

- Makes a false statement or misrepresents facts to obtain benefits, continue receiving benefits, increase benefits, and/or avoid a reduction of benefits.
- Fails to disclose a fact, which if disclosed could result in denial, reduction or discontinuance of benefits.
- Accepts benefits knowing he/she is not entitled to them or accepts benefits knowing it is greater than he/she is entitled to.

Perjury occurs when an individual knowingly, and willingly, tells a lie while under oath or affirmation. A perjury declaration is found on the application, Statement of Facts, and Eligibility Status Report.

FRAUD PREVENTION

Fraud prevention measures are to be taken by CalWORKs staff at initial contact, annual redetermination and/or when appropriate.

The Intake or Continuing Worker will:

- Review rights and responsibilities (R&R) in the appropriate language with the applicant/recipient, including fraud and perjury concepts.
- Document the applicant's/recipient's level of understanding in CalWIN Case Comments noting that the applicant/recipient appears to understand what they were told and that they stated that they understood the R&R.
- Advise the applicant/recipient of criminal penalties for making false statements or failing to report information that affects eligibility.
- Inform the applicant/recipient of what information is needed to determine/maintain eligibility and why that information is needed.
- Explain to the applicant/recipient their responsibility to report mandatory mid-period changes within 10 calendar days, and provide a timely and complete Eligibility Status Report form (SAR 7).
- Explain to the applicant/recipient that the State uses multiple data matches from other programs and agencies to detect unreported income and assets and that the State monitors the usage of the EBT card transactions.
- Ask the applicant/recipient appropriate questions to ensure the applicant/recipient has fully reported changes. Follow-up on questionable information provided by the applicant/recipient or through observations made during the interview.
- Consider whether there may be other circumstances preventing the applicant/recipient from providing necessary information. Examples of circumstances include, but are not limited to, whether the applicant/recipient may have mental or physical challenges, have language difficulties, or may be experiencing domestic violence

issues. Staff must provide interpretive services if needed by the applicant/recipient.

- If staff is aware that domestic abuse may be affecting an applicant's/recipient's ability to provide necessary information, it should be noted on the referral form. DA-PAD should be aware of safety concerns for themselves, the applicant/recipient and/or other household members.
- Be aware of potential fraud indicators. Refer to [Potential Fraud Indicators Form F063-41-WT14](#). This tool will help to identify potential fraud situations that need further evaluation.

Note: Staff should use reasonable and sound judgment when determining whether or not an applicant's/recipient's circumstances require a fraud referral. Seek assistance from a supervisor, as needed.

**REASONABLE
GROUNDS
FOR A FRAUD
REFERRAL**

A fraud referral shall be made when there is a public allegation/report of fraud and/or based on staff's knowledge of the case provides reason to suspect that fraud exist. Reasonable grounds exist when one or more of the following criteria are met:

- A public complaint containing facts about fraud, perjury, trafficking, or embezzlement against a public social services program.
- Staff finds conflicting information that could affect eligibility or benefit amounts and the information cannot be clarified.
- A questionable situation exists and the applicant/recipient or third party will not cooperate in providing necessary verification.
- An overpayment or overissuance may have or has resulted from a recipient's failure to report information pertinent to eligibility or benefits.

Note: Prior to making a fraud referral, staff must review the circumstances of the case and contact the applicant/recipient to provide them with an opportunity to clarify any discrepancies. Staff must consider whether the applicant/recipient may have limitations that may affect their ability to understand rules and to cooperate fully and completely

**FRAUD
INVESTIGATION
REFERRAL FORM**

Regional Fraud Investigation Referral Form

[Regional Fraud Investigation Referral Form F063-30-74A](#) is completed by the worker to initiate an investigation referral to the district investigators when there is reasonable grounds to suspect fraud on a case.

**INTAKE
EMPLOYMENT
ELIGIBILITY
SPECIALIST,
CONTINUNG
EMPLOYMENT
ELIGIBILITY**

Role in the Discovery of Fraud

The IEES/CEES/CWET will evaluate all information received or observed and assess for potential fraud and/or discrepancies.

Potential indicators to consider could include:

**SPECIALIST,
CALWORKS
ELIGIBILITY
TECHNICIAN
(IEES/EES/CWET)
RESPONSIBILITIES**

- Is there any indication that potential fraud exists?
- Is there current eligibility?
- Is there conflicting information on file?
- Does the family have enough income to meet their needs?
- If the parent(s)/caretaker is not aided, is enough income reported to meet their needs other than the CalWORKs grant for the child(ren)?
- Has another county/Child Care agency reported suspected child care fraud?
- Is the applicant/recipient using their EBT card out of county on a regular basis?

The IEES/CEES/CWET shall collaborate with other staff, including the Welfare-To-Work (WTW) and/or Cal-Learn Case Manager (CM)/Domestic Abuse Services Unit (DASU) CM, child care partners and other partners to identify any inconsistencies in the case and evaluate for suspected fraud prior to initiating the fraud referral to avoid duplicate referrals being generated. Case Managers and other partners who have reasonable grounds to suspect that fraud exists shall provide detailed information to the assigned EES/CWET via email or verbal communication.

Fraud Referral Process

The IEES/CEES/CWET will:

- Complete all sections of the [Regional Fraud Investigation Referral Form F063-30-74A](#)
- E-mail the completed fraud referral form to the DA-PAD mailbox (OD-PAD@da.ocgov.com) by selecting the “Email DA-PAD” directly on the form. Once selected, an Outlook email will generate with the DA-PAD mailbox email address pre-populated.
- Virtually print referral into the SSA-Admin-Fraud Documents in OnBase
- Update CalWIN Case Comments

When potential fraud exists that significantly impact eligibility and/or benefits amount, the IEES/CEES/CWET will:

- Immediately initiate and submit the [Criminal/Administrative Decision Hearing \(ADH\) Referral F063-02-761](#) to FRU unit supervisor to determine if the case is to be referred for criminal prosecution.

**CHILD CARE
SERVICES
TRANSITIONING
TO
STAGE 2**

When the applicant/recipient is pending Stage 2 Child Care, the IEES/CEES and the Children’s Home Society (CHS)/Orange County Department of Education (OCDE) staff will notify each other via [Change In Status – Stage 2 & 3 Child Care Services Form F063-41-108](#) when there is a suspicion of child care fraud or when fraud is being reported. The IEES/CEES will email [Regional](#)

[Fraud Investigation Referral Form F063-30-74A](#) to DA-PAD mailbox (OD-PAD@da.ocgov.com).

Child care fraud may include a CalWORKs recipient receiving or continuing to receive child care services that they are not eligible for or are no longer eligible to receive. This also includes a child care provider knowingly obtaining or receiving child care payments for services in which they did not provide.

Note: If the applicant/recipient is receiving Stage 2 or 3 Child Care Services and the IEES/CEES suspects that child care fraud began while the applicant/recipient was receiving Stage 1 Child Care, the IEES/CEES will initiate a Fraud Referral to the DA-PAD for investigation.

**WHEN TO
MAKE AN
INVESTIGATION
FRAUD REFERRAL**

The IEES/CEES/CWET will attempt to clarify any inconsistencies in the case by a careful review of records and by communicating with the applicant/recipient and other knowledgeable parties, such as the WTW CM, Cal-Learn CEES, and DASU CM before making a determination if a fraud referral to DA-PAD is necessary.

The IEES/CEES/CWET will schedule a suspected fraud interview on a case-by-case basis for intake and continuing cases. In cases of unreported information, discuss the case with a supervisor; a referral for investigation may be needed prior to the interview.

The IEES/CEES/CWET will narrate the suspected fraud situation and record the date of the scheduled fraud interview.

An applicant fraud referral must be made immediately and prior to the completion of the application or granting of benefits. Benefits are not to be held pending fraud response.

A recipient fraud referral must be made within **five (5) working days** of making the determination that a referral is warranted.

If reasonable grounds to suspect fraud do not exist, no referral to the DA-PAD will be made.

**FRAUD ALERT
SPECIAL
INDICATOR**

DA-PAD

- Upon completion of the fraud investigation, the fraud investigator will mark Yes or No on the Fraud Alert box on the [Regional Fraud Investigation Response Form F063-30-14](#) based on whether fraud was found during the investigation.
- As applicable, the DA-PAD support staff will enter the fraud alert in CalWIN Collect Case Special Indicator window to denote the case has been flagged a fraud alert.
- The start date of the fraud alert will be the date the investigation was completed and the end date will be the next annual redetermination. If the case is closed, DA-PAD support staff will enter an end date of 12

months and notify the referring IEES/CEES/CWET. The referring IEES/CEES/CWET will update CalWIN Case Comments as necessary.

IEES/CEES/CWET

- IEES/CEES/CWET should not enter or update the Fraud Alert Special Indicator.
- At CalWORKs application and annual redetermination, the IEES/CEES/CWET will review if a fraud alert appears in CalWIN, and if it is within the expiration date, will further evaluate if there are reasonable grounds to suspect fraud using this policy as a guideline.
- If reasonable grounds to suspect fraud do not exist, no referral to the DA-PAD will be made. The IEES/CEES/CWET will enter Case Comments stating no fraud referral was made to the DA-PAD because there were not reasonable grounds to suspect fraud.
- If suspected fraud exists, the IEES/CEES/CWET will initiate the [Regional Fraud Investigation Referral F063-30-74A](#) to the DA-PAD, in Part 2 - Reason for Referral check fraud alert box, and in Part 3 describe the suspected fraud.
- The IEES/CEES/CWET needs to attempt to clarify any inconsistencies or conflicting information in the case by conducting a careful review of all records and by communicating with the applicant/recipient and other staff, including Case Managers and partners, before making a determination if a fraud referral to the DA-PAD is necessary.
- If the IEES/CEES/CWET has questions or needs clarification regarding the investigation that triggered the fraud alert, DA-PAD investigators and/or supervisors are available to assist.

IEVS REPORTS IN MEDS FOR INVALID SOCIAL SECURITY NUMBER (SSN)

- A. When a fraud referral is initiated to DA-PAD (for any reason) and an ineligible non-citizen has self-disclosed to be using an invalid Social Security Number and has provided the Social Security Number, (Note: the worker should not ask for the invalid SSN unless it is self-disclosed) or
- B. When an ineligible non-citizen is identified through a fraud investigation by DA-PAD to be using an invalid SSN,

The following steps must be taken:

- Run IEVS reports in MEDS for the invalid SSN and provide the IEVS report or “No Record Found” result to DA-PAD follow the [Requesting IEVS through MEDS Instructions Guide](#)

Note: The IEVS result may display “No Record Found” since the name and date of birth will not match the SSN

- Virtually print the IEVS report results into Admin Document group/Fraud document type

Important reminder: Invalid SSNs are not to be entered or used to force an IEVS transaction in CalWIN.

FRAUD INTERVIEW PREPARATION

IEES/CEES/CWET reviews all information to determine if potential fraud exists and evaluates the following before the interview:

- What information appears discrepant or unclear?
- What information needs to be clarified?
- What questions will need to be asked to clarify the issue?
- Identify pertinent documents to be reviewed during the interview.
- Anticipate any additional forms the applicant/recipient may need to complete (i.e., affidavits, duplicate SAR 7s).

Discuss the situation with the supervisor or SSSII, if needed. In some situations, the supervisor may recommend an investigator participate in the interview.

CONDUCTING A FRAUD INTERVIEW

To clarify a suspected fraud IEES/CEES/CWET will:

- Present the discrepancy to the applicant/recipient in a courteous and professional manner.
- Review pertinent documents with the applicant/recipient, which may include the SAWS 2A, SAR Rights and Responsibilities cover sheet, and signatures. Ensure the applicant/recipient understands the meaning of perjury and fraud.
- Ask the applicant/recipient for an explanation of the discrepancy.
- Be specific if the applicant/recipient needs to do anything further, and summarize exactly what is needed and when it is needed. Provide the applicant/recipient a checklist.
- Summarize and review the information the applicant/recipient provided during the interview. Include the allegation and the applicant's/recipient's response.
- Re-review reporting responsibilities and the penalties involved for misstating or not reporting relevant facts. Ask the applicant/recipient to complete an affidavit as appropriate.
- Ask if the applicant/recipient has any questions.
- Narrate the facts of the interview in CalWIN Case Comments.

ACTIONS AFTER THE FRAUD INTERVIEW

The IEES/CEES/CWET will complete a fraud summary narrative in CalWIN Case Comments.

- Summarize the suspected fraud situation, the interview, the **re-review of perjury and fraud definitions with the** applicant/recipient, and any actions taken on the case. Keep the narrative objective and factual.
- Include the date the worker became aware of the potential fraud.

Note: This date is important because DA-PAD has four (4) years from the date of discovery to file for a criminal prosecution.

- Evaluate all information to determine if potential fraud exists.

If the evidence shows fraud does not exist, document the basis for the decision in the narrative. No further action is required.

If the evidence shows fraud does exist or appears to exist, the IEES/CEES/CWET will:

- Compute and start the overpayment recoupment grant adjustment when **enough information/documents** are available to establish the overpayment amount. (Refer to [CalWORKs Policy 100-B15 – Overpayments and Underpayments](#) or Policy 320 Ancillary Supportive Services Overpayments and Underpayments & Unused Portions of Advance Supportive Services Payments) Send CalWIN NOA M44-352C Overpayment Computation Informing Notice.
- Send CalWIN NOA M44-352D Overpayment Adjustment Computation Notice to begin the overpayment recoupment grant adjustment.
- Send the overpayment notice for the supportive services overpayment.

Note: If the OP amount is between \$1,000 and \$4,999 refer to the [Administrative Disqualification Hearing \(ADH\) Policy 100-H5](#). If the OP/OI is \$5000 or more, complete [Criminal/ADH Referral F063-02-761](#) and email to FRU via supervisor.

**SUSPECTED
FRAUD: NO
VERIFIABLE
EVIDENCE**

When fraud is suspected due to non-verifiable evidence being submitted, the IEES/CEES/CWET will:

- Discuss the case with the responsible supervisor.
- Contact the WTW, DASU, and Cal-Learn team members for their program input on the suspected fraud and narrate contacts in CalWIN Case Comments.
- Complete the [Regional Fraud Investigation Referral Form F063-30-74A](#) the same day or the next business day to initiate an investigation by the District DA-PAD investigator.
- Complete CalWIN Case Comments describing the reason for the referral.
- Image Regional Fraud Investigation Referral F063-30-74A to the SSA-AdminFraud Documents in OnBase

DA-PAD supervising investigator or designee will:

- Review and record receipt of the referral on the log.
- Assign the case to an investigator.

DA-PAD investigator will:

- Conduct an investigation to gather facts that prove or disprove fraud allegations.
- Promptly inform the worker who initiated the referral verbally or in writing of the status of the ongoing investigation.

Note: The DA-PAD investigator must inform the worker verbally or in writing of the status of the ongoing investigation on a pending application within 14 calendar days.

When a referral is pending with the DA-PAD, proceed to take the appropriate actions in the case with the information available/provided by the applicant/recipient. Case actions should not be withheld due to a pending response on a fraud referral.

- Complete the [Regional Fraud Investigation Response Form F063-30-14](#), attach a copy of the investigation referral (F063-30-74A) and a report, if appropriate, and route to the worker who initiated the referral.

The IEES/CEES/CWET will:

- Notify all applicable CW workers assigned to the case that a copy of [Regional Fraud Investigation Response Form F063-30-14](#) is available in OnBase.
- Evaluate the investigation response in regard to person(s)/case eligibility.
- Talk to the investigator for clarification of response, as needed.
- Review all eligibility factors and attempt to resolve any inconsistencies that may affect eligibility/ineligibility resulting from the investigation.

Example: An applicant applies for CalWORKs for herself and two children based on absence of the children's father. The investigation places the father in the home and unemployed. The IEES shall explore deprivation due to the father's unemployment and apparent availability to provide child care hours requested.

- Take appropriate action to approve/deny person/case or decrease/discontinue benefits.
- Document in CalWIN Case Comments.

- Image the original completed [Regional Fraud Investigation Response Form F063-30-14](#) in the SSA-Admin-Fraud Documents in OnBase

ACTIONS ON APPLICATION PENDING DA-PAD INVESTIGATION

The IEES will:

- Reply to requests for case information from the investigator by the next business day.
- Issue Immediate Need (IN) if apparent eligibility to CalWORKs exists and the applicant/recipient meets IN specific requirements.
- Inform the investigator of IN issuance immediately (same day).

Note: If IN is issued, action must be taken to approve or deny the application within 15 business days from the date IN is issued. All other CalWORKs applications must be approved or denied within 45 calendar days from the date of application.

- Issue Homeless Assistance (HA) if apparent eligibility to CalWORKs exists and the applicant/recipient meets HA specific requirements. Inform the investigator of HA issuance by the next business day.
- Postpone approval of regular CalWORKs/Stage One Child Care for ten calendar days from the date of receiving the information required to approve child care services or until the response has been evaluated whichever is earlier.
- Inform the investigator immediately (the same day) when CalWORKs/Stage One Child Care is denied while the response is pending.
- Inform the investigator verbally or in writing of any other case changes relevant to the investigation.

Note: If the investigator is unavailable, the IEES will email the DA-PAD mailbox (OD-PAD@da.ocgov.com) and cc DA-PAD supervising investigator.

PROBLEM RESOLUTION

Problem Resolution between the DA-PAD investigator and CalWORKs staff shall be as follows:

- The investigator brings the issue to the supervising investigator for resolution.
- If the supervising investigator is unable to resolve the issue, the supervising investigator will discuss the issue with the appropriate SSSII.

POTENTIAL CRIMINAL PROSECUTION

Based on evidence on file or after the investigation is completed, if there is potential fraud with an Overpayment/Overissuance (OP/OI) in the amount of \$5000 or above, the [Criminal/ADH Referral F063-02-761](#) is completed and submitted to determine whether the case can be referred for criminal prosecution.

The IEES/CEES/CWET will:

- Discuss the case with the unit supervisor
- Process OP/OI as appropriate
- Ensure all OP/OI supporting documents are imaged into OnBase according to Filing Guide.

Note: If a previous investigation was initiated for the same reason ensure there is an imaged copy of the prior referral form and investigators response in OnBase. Fraud Review Unit (FRU) will retrieve required documents and compile the criminal packet.

- Enter detailed case comments including:
 - OP/OI fraud period
 - OP/OI amount
 - OP/OI claim number(s)
 - OP/OI Reason
 - Name of individual with the unreported income/property
 - Income source/employer name
 - Specify if the individual failed to report at Application, Semi Annual Reporting (SAR 7), Annual Redetermination (RRR), and/or over the Income Reporting Threshold (IRT)
- If the OP/OI is \$5000 and above, by the next business day, complete the [Criminal/ADH Referral F063-02-761](#), ensuring to select “Criminal Referral” on the referral
- Submit [Criminal/ADH Referral F063-02-761](#) to supervisor for review

Note: Inform the DA-PAD investigator via email of any changes relevant to the investigation

The Eligibility Supervisor (ES)/Social Services Supervisor I (SSSI) will:

Upon receipt of the [Criminal/ADH Referral F063-02-761](#) from the IEES/CEES/CWET, the supervisor will:

- Review the [Criminal/ADH Referral F063-02-761](#) for accuracy.
- Ensure all OP/OI supporting documents were imaged into OnBase according to Filing Guide. FRU will retrieve required documents and compile the criminal packet.
- Ensure detailed case comments were entered by referring worker.
- Complete “Part 1B: Supervisor” section on the referral, select “Email FRU” button to email the [Criminal/ADH Referral F063-02-761](#) to FRU’s email account frureferrals@ssa.ocgov.com with a cc to the worker
- Case comment that the [Criminal/ADH Referral F063-02-761](#) referral was reviewed and submitted to Fraud Review Unit (FRU)

- Virtually print the submitted [Criminal/ADH Referral F063-02-761](#) into OnBase under Fraud Document Type

Fraud Review Unit (FRU)

Once FRU has received the [Criminal/ADH Referral F063-02-761](#), the FRU EES will:

- Review referral and supporting documents to assess if criminal criteria are met.
- Copy all supporting documents and place them under the Fraud Document Type in OnBase.
- Forward criminal referral via email to DA-PAD once criminal packet is complete.

Note: If the case does not meet the criteria for a criminal referral, the FRU EES will assess whether or not the case is feasible for an Administrative Disqualification Hearing (ADH) and will process the claim(s) in question to collections if program is closed.

The DA-PAD Supervising Investigator will:

- Review the completed [Criminal/ADH Referral F063-02-761](#) for accuracy.
- Assign the case to an investigator if accepted for investigation or rejected.

The Assigned DA-PAD Criminal Investigator will:

- Conduct an investigation to gather facts that prove or disprove the allegations.

Allegation is unfounded: Reject the case as not suitable for criminal prosecution and email the District Attorney Investigation Response (F063-30-14B) and the [Criminal/ADH Referral F063-02-761](#) to FRU's email inbox frureferrals@ssa.ocgov.com for ADH evaluation.

Allegation is substantiated: The Investigator will submit the Orange County District Attorney's Office Bureau Investigation Report to the Deputy District Attorney for consideration of a criminal complaint.

REJECTED FOR CRIMINAL PROSECUTION

If DA-PAD subsequently rejects case for criminal prosecution (for example, substantiated but not suitable for prosecution), DA-PAD will email District Attorney Investigation Response (F063-30-14B) and Criminal/ADH Referral F063-02-761 to FRU's email inbox frureferrals@ssa.ocgov.com for ADH evaluation.

OVER PAYMENTS

If an Overpayment is generated as a result of suspected fraud, the IEES/CEES/CWET will take the following action:

- CalWIN will be updated reflecting information confirmed and received from the applicant/recipient during the interview or thereafter with items received and/or requested in the checklist.
- Overpayments are generated through a manual process via the Benefit Issuance & Recovery Subsystem.
- Set up the Overpayment claims and the recovery method when an overpayment has been discovered.
- Information will be shared with the WTW CM, DASU, or Cal- Learn worker.
- Complete CalWIN Case Comments regarding actions being taken and information submitted by the applicant/recipient.

Note: For Supportive Services Overpayments: Refer to [Policy 320 – Supportive Services Overpayments and Underpayments](#) and the Supportive Services Overpayments Resource Guide.

INTENTIONAL PROGRAM VIOLATION	<p>Regulations provide direction for making an Intentional Program Violation (IPV) determination in all programs except Child Care.</p> <p>Reference: CalWORKs Policy 100-H1 – Intentional Program Violation</p>
COLLECTION REQUIREMENTS	<p>All fraudulent amounts are subject to collection requirements regardless of the amount. CalWORKs benefits will be reduced consistent with other CalWORKs overpayments.</p>
FORMS	<p>F063-30-74A Regional Fraud Investigation Referral F063-02-761 Criminal/ADH Referral F063-30-14 Regional Fraud Investigation Response Form F063-41-108 Change in Status – Stage 2 & 3 Child Care Services Form F063-41-WT14 Potential Fraud Indicators Attachment 1 Examples of Potential Fraud Referrals Requesting IEVS through MEDS Instructions Guide</p>
RESOURCE GUIDES/ PROCESSING GUIDE	<p>Supportive Services Overpayments Resource Guide IEVS New Hire NHR IEVS Payment Verification System PVS</p>
REFERENCES	<p>CDSS MPP Division 20 EAS MPP Section 44-352 ACL 00-53, ACL 13-89 CalWORKs Policy 320 – Supportive Services Overpayments and Underpayments CalWORKs Policy 100-H1 – Intentional Program Violation CalWORKs Policy 100-B15 – Overpayments and Underpayments CalWORKs Policy 100-H5 Administrative Disqualification Hearing (ADH) Income and Eligibility Verification System IEVS Handbook</p>

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