

5101:6-20-03 Penalties for intentional program violation.

- (A) Individuals subject to disqualification under the provisions of paragraph (B) of rule 5101:6-20-01 of the Administrative Code shall be:
- (1) Disqualified FROM THE TANF PROGRAM for six months for the first violation.
 - (2) DISQUALIFIED FROM THE FOOD STAMP PROGRAM FOR TWELVE MONTHS FOR THE FIRST VIOLATION.
 - (2) (3) Disqualified FROM THE TANF PROGRAM for twelve months for the second violation.
 - (4) DISQUALIFIED FROM THE FOOD STAMP PROGRAM FOR TWENTY-FOUR MONTHS FOR THE SECOND VIOLATION.
 - (3) (5) Disqualified permanently for the third violation.
 - (6) Disqualified from the food stamp program for ~~twelve~~ TWENTY-FOUR months for the first offense and permanently for the second offense when found guilty by a federal, state or local court of using or receiving food stamps in a transaction involving the sale of a controlled substance.
 - (7) DISQUALIFIED FROM THE FOOD STAMP PROGRAM PERMANENTLY IF FOUND GUILTY BY A FEDERAL, STATE OR LOCAL COURT OF USING OR RECEIVING FOOD STAMPS WORTH FIVE HUNDRED DOLLARS OR MORE IN A TRANSACTION INVOLVING THE SALE OF A CONTROLLED SUBSTANCE.
 - (8) Disqualified from the food stamp program permanently for the first offense when found guilty by a federal, state or local court of using or receiving food stamps in a transaction involving the sale of firearms, ammunition, or explosives.
 - (9) DISQUALIFIED FROM THE FOOD STAMP PROGRAM FOR TEN YEARS IF FOUND, EITHER THROUGH THE ADMINISTRATIVE DISQUALIFICATION PROCESS OR BY A FEDERAL, STATE OR LOCAL COURT, OF HAVING MADE A FRAUDULENT STATEMENT OR REPRESENTATION WITH RESPECT TO IDENTITY OR PLACE OF RESIDENCE IN ORDER TO SIMULTANEOUSLY RECEIVE MULTIPLE FOOD STAMP BENEFITS.
- The penalties in paragraphs (A)(6) TO (A)(9) of this rule shall also apply if the individual has signed a disqualification consent agreement, under the provisions of rule 5101:6-20-40 of the Administrative Code, if the court has made a finding that the individual engaged in the conduct described in paragraph (A)(6), (A)(7), (A)(8) or (A)(9) of this rule.
- (B) The same act of intentional program violation repeated over a period of time shall not be separated so that separate penalties can be imposed.
- (C) Only the individual found to have committed intentional program violation shall be disqualified, and not the entire assistance group.
- (D) During the disqualification period, the disqualified individual's needs shall not be taken into account in determining the assistance group's eligibility or amount of assistance.
Any income and resources of the disqualified individual shall be considered available to the assistance group.

(E) ~~In the ADC program, if the individual is not eligible for the program at the time the disqualification period is to begin, the disqualification period shall be postponed until the individual again applies and is found eligible for r benefits.~~

~~In the food stamp program, the~~ THE disqualification period shall begin as specified in paragraph (A) of rule 5101:6-20-17, paragraph (H) of rule 5101:6-20-30, paragraph (I) of rule 5101:6-20-40, or paragraph (D) of rule 5101:6-20-50 of the Administrative Code, as applicable, regardless of whether the individual is eligible for the program at that time.

(F) Once a disqualification penalty has been imposed against a currently eligible individual, it shall continue uninterrupted until complete regardless of the eligibility of the disqualified individual's assistance group.

(G) Any period for which a disqualification penalty is imposed shall remain in effect, without possibility of an administrative stay, unless and until the finding upon which the penalty was based is reversed by a court of appropriate jurisdiction.

(H) Both the disqualified individual and the remaining members of the disqualified individual's assistance group, if any, shall continue to be responsible for repayment of the overpayment/ overissuance which resulted from the individual's intentional program violation, regardless of their current eligibility for program benefits.

(I) The disqualification of an individual for intentional program violation in one county or state is valid in another county or state.

~~(J) The disqualification penalties in this rule shall be in addition to, and cannot be substituted for, and other sanctions or penalties which may be imposed by law for the same offender.~~

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Certification: Arnold R. Tompkins

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Date

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