

Welfare Fraud

What is welfare fraud?

DSHS suspects fraud if they think you have

- Lied to get benefits.
- Held back info that would cause you to lose benefits.

Why are they looking for fraud?

The federal government monitors DSHS to see if they make mistakes issuing benefits, so DSHS staff must check on all recipients' info. They may ask for more info, or verification, to make sure you are eligible.

What does DSHS check?

- They usually contact an employer or a landlord to double-check your home, rent, and who lives with you.
- They regularly check what wages get reported to your social security number.
- They look at state and national computers that may have info about you or your family.
- They check if you are getting child support.
- They check for unreported bank accounts.

How do they decide I lied instead of just made a mistake?

DSHS asks you to

- Give info about your family when you apply.
- Report any changes.

DSHS looks for evidence in the case record showing your intent. They decide you lied if all these are true:

- You knew what facts/changes to report.
- You knew when to report the changes.
- You had a chance to report.
- You chose not to.

What is a FRED investigator?

FRED (Fraud Early Detection) is a special DSHS unit. They investigate when a DSHS worker believes you are not telling the truth about your situation.

DSHS may send a FRED investigator to your home to interview you or your neighbors. DSHS can use the info they gather to

- End your cash/food stamps/medical benefits.
- Establish an "overpayment" of past benefits.

If they have accused you of fraud, ask for a copy of your "FRED report." Your lawyer should talk to the investigator about what s/he concluded and why. The investigator may have relied on false info from a third party. They may have drawn an incorrect conclusion from what they saw.

Example: They see someone else's car parked outside your home. They conclude that person is living with you. In fact, the car has broken down. Its owner just left it there.

They are investigating me for fraud. What are my rights?

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- ❖ Contact a lawyer first. Make sure you provide any defenses you may have.
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- You do not have to talk to a FRED investigator. Talk first to a lawyer. Make sure you present your case clearly.
 - You do not have to let the FRED investigator into your home without a search warrant. Ask the investigator to come back when your representative is there.
 - They must tell you these rights verbally and in writing, in the language you speak. They must give this info to adult recipients, not children.
 - DSHS cannot deny you benefits just because you refuse to talk to the investigator or let him into your home.
 - You can look at your file and get copies of anything in it.

What if I have an overpayment?

If DSHS believes it was due to your mistake, they will call it a “household error” and ask you to pay it back. If they determine you provided all info correctly and **they made the mistake**, they call it an “administrative” or “agency” error.

What if they accuse me of an intentional overpayment (fraud)?

They may refer you for criminal prosecution.

- **Food assistance:** There must first be an Administrative Disqualification Hearing.
- **TANF or Medical Assistance:** They can send a notice of intentional overpayment without a hearing.

Should I talk to DSHS about this?

You must find out why they think this is fraud. Tell your worker right away you want an “administrative hearing” if you disagree.

It might be because you did not report income you or a family member received. You may be able to show you do not owe anything, or that you provided the info but DSHS lost it. You may be able to explain you did not give that info because you did not realize you had to.

Get legal advice before talking to DSHS about this. **Otherwise, you may find you owe DSHS money AND face serious criminal charges.**

Do I have to report all income to DSHS?

Yes. You should report **all** income and assets.

When should I report changes in income?

If you get public assistance, you must report changes exactly as described in notices you get from DSHS. You should report any changes in writing, get a date stamped copy from DSHS, and keep this copy with your records.

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- ❖ Be sure you have read and understand all reporting requirements. If you have any questions, contact a lawyer.
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What if I disagree that I should have reported income?

If you believe DSHS is counting income/resources they should not, contact a supervisor or legal services office for help.

What if I did not report the income because my children’s other parent has threatened me?

If you are afraid to report income/other info because of domestic violence, get legal help right away. Ask a lawyer or domestic violence program advocate about getting a protection

order to keep you and your children safe. Ask your lawyer/advocate what to do about your public assistance and whether to seek child support.

What if I need more income to take care of my family?

If you are facing unexpected costs, ask DSHS about emergency assistance. [Additional Requirements](#), [Consolidated Emergency Assistance Program](#), and [Diversion Cash Assistance](#) have more info.

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- ❖ If DSHS denies you these benefits, you can request an administrative hearing. Ask your legal services office for advice.
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I am an immigrant. Can a fraud conviction affect my immigration status in the U.S.?

Yes! If you have not yet become a citizen, it may make you deportable, even if your family is here and you have lived in the U.S. a long time.

Even if it does not make you deportable, it may keep you from meeting the good moral character requirement to become a citizen.

If accused of any crime, **get a lawyer**. Make sure the lawyer speaks with an immigration lawyer about the crime's effect on your immigration status.

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- ❖ **You must tell DSHS you need translated notices and a qualified interpreter if you do not speak English.** Language and cultural barriers can cause misunderstandings and fraud accusations.
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Where can I get more info?

- [How to Fight an Overpayment of Cash Assistance, Medical Assistance or Food Stamps](#) explains different kinds of overpayments.
- [DSHS and HCA Overpayments: What is Equitable Estoppel](#) says how to try to get DSHS to cancel an overpayment.

This publication provides general information concerning your rights and responsibilities. It's not intended as a substitute for specific legal advice.

This information is current as of July 2017.

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