
Benefit Repayment

- By an ADH decision; or
- By court decision.

Once an IPV is established, a disqualification penalty is imposed on the AG member(s) who committed the IPV. See Section 9.1,A,2,g for penalties.

NOTE: Prior to 5/1/83, IPV's were referred to as fraud. When determining the appropriate penalty, all disqualifications prior to 5/1/83 are considered as one previous disqualification.

If a court fails to impose a disqualification period, the Department imposes the appropriate penalty as indicated in Section 9.1,A,2,g. If the court imposes a sanction that differs from those in Section 9.1,A,2,g, the court-ordered sanction is applied.

NOTE: Overlapping claim periods run concurrently. Regardless of participation status, a penalty must be imposed within 45 days of the ADH decision, the signing of the waiver, or the issuance of the court order.

If an overissuance is discovered more than 6 years after it occurs, no claim is established. When the client commits an IPV, the first month of the claim is the first month in which the benefit would have been effective considering the reporting and notice requirements.

After the first month is determined, the Repayment Investigator/Criminal Investigator identifies the subsequent months in which overissuances resulted from the same IPV act.

NOTE: When determining the amount of overissuance due to the failure of the household to report earned income in a timely manner, the amount of benefits the client should have received is computed without applying the earned income disregard to any portion of the income the client did not report. This applies to IPV claims for benefits issued for October, 1987 and later and to UPV claims established on or after November 1, 1996.

IPV claims must be established for trafficking-related offenses. Claims arising from trafficking-related offenses are the value of the trafficking benefits as determined by the individual's admission, adjudication, or documentation that forms the basis of the trafficking determination.