

Know Your Rights about “Intentional Program Violations”

Have you been accused of fraud in the SNAP program? If so, this “Know Your Rights” fact sheet may be helpful for you.

What is an “Intentional Program Violation” or IPV in the Supplemental Nutrition Assistance Program (SNAP)?

According to the Federal Regulatory Definition:

Intentional Program Violations shall consist of *intentionally*:

1. **Lying** or not telling the whole truth to the state agency;
2. Not giving the state agency all the facts about your case;
3. Using food stamps in a way that is not allowed under SNAP rules, like selling food stamps for cash.

For **Example**:

Stacy wrote on her SNAP application that she has \$0 of income. She was working when she completed the application, and she knew she was lying when she wrote \$0 on the application. She intentionally lied in order to get the maximum SNAP grant.

However, it is NOT an IPV should you give the wrong information because you didn’t understand what you were required to report or if you made a mistake. If you received too much in SNAP benefits because you made a mistake, you may be required to pay back the excess benefits you received, but you should not be subject to additional penalties.

How do I know I’m being charged with an IPV?

1. You should first receive a **notice** of a suspected SNAP IPV and then another notice from your SNAP agency that you have a hearing
 - a. These notices should include several forms: a *Waiver of Right to Administrative Disqualification Hearing (ADH)*, *Food Stamp Disqualification Rights*, and *The Charge and Summary of Evidence*.
 - b. These notices will inform you about the charges presented against you, what evidence they have, and the hearing process.
2. Once the hearing is complete and a decision is rendered, you will receive a notice of overpayment of SNAP benefits if that’s the finding from the hearing.

IPV Hearings and ADH Waiver

At an **IPV disqualification hearing**, the SNAP agency must prove that you violated the program rules on purpose. You will also have the opportunity to testify and respond to the SNAP agency's evidence. Your response can include how the SNAP agency is wrong and why you didn't commit an IPV. It is important to attend the hearing to give your side of how things happened. Importantly, if you do attend, you will not be arrested. If you don't attend, however, only the evidence that the state agency has against you will be presented to the hearing officer, which could result in biased outcome. Due to COVID, states may only offer the hearing by phone.

SNAP agencies often send a form titled *Waiver of Right to Administrative Disqualification Hearing, Food Stamp Disqualification Rights*. This form allows you to give up your right to a disqualification hearing by signing it and returning it within 10 days. This is called a **"waiver"** and **signing it means that you admit to the IPV and give up your right to a hearing**. Many states pressure clients into unknowingly signing away their right to a hearing.

Do not sign the waiver, especially before speaking with a lawyer.

What are your rights at the hearing?

You have the right to:

- Continue getting SNAP—even if the decision results in a sanction—because other household members may still be eligible to receive benefits.
- Have a legal services advocate represent you – but because it is not a criminal case, the government is not required to provide you with representation.
- Present evidence and witnesses.
 - For example, you are able to:
 - Cross-examine witnesses
 - See the evidence against you

What are the consequences of an IPV?

The person who committed the IPV will be penalized by losing SNAP benefits for a period of time, depending on whether this is the first or subsequent offense.

- 1st IPV: 12-month loss of SNAP benefits
- 2nd IPV: 24-month loss of SNAP benefits
- 3rd IPV: Permanent loss of SNAP benefits

Other household members do not lose their eligibility for SNAP benefits.

Sometimes officials impose larger penalties based on the offense, including longer or permanent suspension from the program.

For example, the following offenses can lead to significant penalties:

- Trading food stamps for a controlled substance (drugs or alcohol): 24-month loss of SNAP benefits
- Trading food stamps for guns, ammunition, or explosives: Permanent loss of SNAP benefits
- Selling food stamps in the amount of \$500 or more: Permanent loss of SNAP benefits

- Getting more than one food stamp allotment at a time: 10-year loss of SNAP benefits

An IPV is not a criminal charge, but states may also charge people for fraud, which is a criminal charge and can have consequences including jail time.

Legal Services Finder

If you have been accused of an IPV, please [click here](#) to find a legal services lawyer in your area.