

**OFFICE OF INVESTIGATIVE SERVICES
POLICY AND PROCEDURE #630**

CASE EVALUATION CRITERIA

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The Agent will review all available county case records that may contain information pertinent to the investigation. The purpose of this case review is to ascertain the existence of fraud, not only in the case referred, but in any related case as well.

In evaluating a case for disposition, the following elements should be considered:

1. THE SUSPECT:

- Age, intelligence, education
- Language barriers, bilingual requirements

Client notices in both English and Spanish versions are readily available to the Agent and are included in this manual. If the Agent becomes aware of the need for notices or forms in other languages, the Agent is responsible for notifying the supervisor of the need. The Agent will determine the need for an interpreter from documentation in the DFCS records or during face-to-face contact with the client. Clients should always be afforded the opportunity to have an interpreter, if needed. When an interpreter is necessary, but unavailable, the Agent will contact the supervisor for assistance. If the Agent becomes aware of a language barrier that would classify a possible IPV as IHE, adjudication will not be pursued.

- Mental capability, disabilities

In cases involving the receipt of SSI, RSDI (disability), or any other payments based on the recipient's physical or mental disability, the OIS file must be documented in detail to explain the disability. Prior to establishing a claim, the client should be interviewed. If the client fails or refuses to meet with the Agent, supervisory approval is required before establishing a claim.

If there is sufficient evidence to support a suspected IPV claim, the claim must be referred for an Administrative Disqualification Hearing to be sure the client under review has a professional determination of the client's competency. The client should not be offered the option of waiving the hearing prior to obtaining a professional determination of competency from the ALJ, medical authority, or if requested by the disabled client's legal representative.

2. THE CASE:

- The length of time over which the allegation occurred
- The amount of the overpayment
- The flagrancy of the action and/or the presence of prior IPV's
- The length of time elapsing between the violation and its discovery
- The length of time elapsing between discovery and the referral for investigation
- The presence of signed documents or other admissible evidence

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- | • Credible case documentation to support an IPV finding

3. THE CASE MANAGER:

- | • Comments and opinion of the case manager or other qualified DFCS personnel regarding the desirability of prosecution
- Strength of the case manager as a witness
- | • Availability of the case manager or other designated DFCS official if the case manager is no longer employed with DFCS

In evaluating the findings of an investigation to determine the appropriate disposition, the Agent will consider the recipient, the case manager, and the information found during the case review. The selection of a claim disposition and the reason for the disposition, which is required for all claim actions, will be documented by the Agent on the **Case Review Checklist** or **EBT Trafficking Case Review Checklist**.

The Agent will not establish a claim based solely on a SUCCESS review. Information in the county case record, such as the signed application form, must be seen and reviewed. The Agent will make two requests in writing to the county DFCS to locate the case record. A copy of the second request will be forwarded to both the County DFCS Director and the appropriate DFCS Field Director. If the case record is not provided after the second request, the Agent will send a memorandum to the County DFCS Director and the DFCS Field Director stating that the county records were not located and the referral is being returned to the county DFCS to pursue as agency error or inadvertent error. The Agent will also send copies of the memoranda to the SAC and the Chief of Investigations.