

5101:4-7-09

Food assistance: state income and eligibility verification system.

(A) What is the state income and eligibility verification system (IEVS) match?

An IEVS match is wage and benefit information that has been requested by the Ohio department of job and family services (ODJFS) or county agencies. Through IEVS, ODJFS and county agencies can request income, resource, and benefit information from the agencies identified in paragraph (B) of this rule. This information can then be maintained and used in verifying eligibility and in determining the amount of benefits. IEVS information shall be requested and used with respect to all assistance group members. This includes ineligible assistance group members as set forth in rule 5101:4-6-13 of the Administrative Code, whenever the social security numbers (SSNs) of such ineligible assistance group members are available to the county agency.

(B) What benefit information is collected through IEVS and what agency is it from?

(1) Wage information from the state wage information collection agency;

(2) Income from self-employment, wages, federal retirement, and survivors, disability, supplement security income (SSI), and related benefit information maintained by the social security administration (SSA). Employers provide wage and retirement information to the SSA on an annual basis. The SSA makes this information available pursuant to Section 6103 (l)(7)(A) of the Internal Revenue Service (IRS) Code of 1954 as amended.

(a) Twice a month ODJFS transmits a request through the SSA's benefit earnings exchange record for all medicaid, Ohio works first (OWF), and food assistance applicants and assistance group members. Whenever information is added to the file, it is matched against all other data in the file. The SSA processes the benefit earnings exchange record request twice a month and returns the matched file information to ODJFS for review.

(b) The benefit earnings exchange record match includes out-of-state employers, federal employers and beneficiary and earnings data exchange (BENDEX) wage information. This information is expected to duplicate most of the information provided by state wage information collection agency. However, the federal wage records match includes employers who do not report to the state wage information collection agency. Matches from this source will be displayed to the county agency as soon as they are received and are to be considered as a lead that must be verified before benefits may be affected.

(c) The ODJFS state verification and exchange system (SVES) provides an electronic interface with the SSA. The interface allows the transfer of

social security and SSI benefit information from the SSA.

- (3) Unearned income information from the IRS available pursuant to Section 6103 (1)(7)(B) of the IRS Code of 1954 as amended; and
- (4) Claim information about unemployment compensation benefits, and any information in addition which is useful for verifying eligibility and benefits, subject to the provisions and limitations of Section 303 (D) of the Social Security Act of 1935 as amended.

(C) What are data exchange agreements?

Data exchange agreements must specify the information to be exchanged and the procedures which will be used to exchange the information. Policy regarding data exchange agreements is the responsibility of the office of fiscal and monitoring services. ODJFS must maintain data exchange agreements with the agencies listed in paragraph (B) of this rule in order to exchange information with other agencies.

(D) Under what programs can ODJFS and county agencies exchange IEVS information?

ODJFS and the county agency may exchange IEVS information with other state agencies when it is determined that the information is being used for the same program determinations which include:

- (1) Temporary assistance for needy families;
- (2) Medicaid;
- (3) Unemployment compensation;
- (4) Food assistance;
- (5) Any state program administered under a plan approved under title I, X, or XIV adult categories, or title XVI of the Social Security Act of 1935; and
- (6) Agencies administering the child support program (title IV-D of the Social Security Act) and titles II (federal old age, survivors, and disability insurance benefits) and title XVI (SSI for the aged, blind and disabled of the Social Security Act of 1935.)

(E) What should county agencies do when IEVS information is received?

- (1) Information verified upon receipt includes:
 - (a) The county agency shall send proper notices to the assistance group to terminate, deny, or reduce benefits based on information obtained through IEVS which is considered verified upon receipt. Information

considered verified upon receipt includes:

(i) Social security and SSI benefit information obtained from SSA; and

(ii) Unemployment compensation benefit information.

(b) If the information the IEVS obtained about a particular assistance group is questionable the information shall be considered unverified and the county agency shall take action as specified in paragraph (E)(2) of this rule.

(2) Information unverified upon receipt:

Prior to taking action to terminate, deny, or reduce benefits based on information obtained through IEVS which is considered unverified upon receipt, county agencies shall independently verify the information. Information considered unverified upon receipt includes:

(a) IRS information; and

(b) Wage information from SSA or the state wage information collection agency.

(3) What is considered independent verification of unverified information and how does the county agency obtain it?

(a) Independent verification shall include verification of the amount of the asset or income involved, whether the assistance group actually has or had access to such asset or income and the period during which access occurred. If a county agency has information which indicates that independent verification is not needed, such verification is not required. Unearned income from IRS would be the exception to this policy.

(b) The county agency shall obtain independent verification of unverified information obtained from IEVS by contacting the assistance group or the appropriate income, resource or benefit source. If the county agency chooses to contact the assistance group, it must do so in writing, informing them of the information that has been received, and requesting the assistance group to respond within ten days. If the assistance group fails to respond within ten days of the request, the county agency shall send a notice of adverse action as specified in Chapter 5101:6-2 of the Administrative Code. The county agency may contact the appropriate source by the means best suited to the situation. When the assistance group or appropriate source provides the independent verification, the county agency shall properly notify the assistance group of the action it intends to take and provide the assistance group an opportunity to request a state hearing prior to any

adverse action.

(F) What actions must be taken when data exchange information is received?

When information is received as a result of data exchange agreements, county agencies must initiate and pursue action on the assistance groups. The following should occur:

- (1) Review of the information and comparison of it to case record information;
- (2) For all new or previously unverified information received, contact the assistance groups and/or collateral contacts to resolve discrepancies as specified in rule 5101:4-2-09 of the Administrative Code and paragraphs (E)(1) and (E)(2) of this rule; and
- (3) If discrepancies warrant reducing benefits or terminating eligibility, send notices of adverse action.
- (4) County agencies shall initiate, pursue and complete the actions specified in this paragraph within ninety days from receipt of the information. Actions may be completed later than ninety days from the match if the only reason the actions cannot be completed is the non-receipt of verification requests from the collateral contacts and the actions are completed as specified in rule 5101:4-7-01 of the Administrative Code. The results of these actions should be documented on the compliance tracking selection (DESL) and compliance tracking results (DEEV) screens.
- (5) When an overpayment is determined, county agencies shall establish and take actions on claims as specified in Chapter 5101:4-8 of the Administrative Code.

(G) What are the appropriate uses for data received through IEVS?

- (1) County agencies shall use information obtained through IEVS to:
 - (a) Verify an assistance group's eligibility;
 - (b) Verify the proper amount of benefits;
 - (c) Investigate to determine whether participating assistance groups received benefits to which they were not entitled; and
 - (d) Obtain information which can be used in conducting criminal or civil prosecutions based on receipt of food assistance benefits to which participating assistance groups were not entitled.
- (2) ODJFS may continue to use income information from an alternate source or

sources to meet the requirements specified in this rule.

(H) What are the timeframes for the county agencies to request and process the IEVS data?

(1) Information shall be requested at the next available opportunity after the date of application even if the applicant assistance group has been determined eligible by that time.

(2) Information about members of applicant assistance groups who cannot provide SSNs at application shall be requested at the next available opportunity after the county agency is notified of their SSNs.

(3) Information received within the thirty-day application period shall be used to determine the assistance group's eligibility and benefits. However, county agencies shall make eligibility and benefit determinations without waiting for receipt of IEVS data to comply with the promptness standard of rule 5101:4-2-11 of the Administrative Code.

(4) Information received from a source after an eligibility determination has been made shall be used as specified in paragraph (E) of this rule.

(I) When is IEVS information received and is it considered verified upon receipt?

(1) State wage information collection agency data - Ohio employers report earnings information to the state wage information collection agency quarterly. Older information may be available for new applicants. State wage information is generally more current than federal wage information. None of the information is considered verified upon receipt.

(2) IRS - IRS information is a year old upon receipt and is considered unverified. The information is based on 1099 data sent to the IRS.

(3) Unemployment - this information is reported weekly as the payments are rendered to recipients.

(4) Earnings information from BENDEX matches may be eighteen months old or older due to the reporting requirements for employers and the time needed for SSA to process the information. There is a lag time from the source to the reporting agency to ODJFS. Only the year of employment can be determined from the match. Only by supplementing correct matches with employer verification can a determination be made of earnings received during an active certification period. This information may be a lead to current employment and should be used to check past eligibility.

(J) Is there a requirement to safeguard matches with federal tax information?

- (1) Matches containing federal tax information are confidential. County agencies must ensure that the information is safeguarded as required in rule 5101:4-1-13 of the Administrative Code. The data must be stored in an area that is physically safe from access by unauthorized individuals and the information cannot be commingled with the rest of the case record.
- (2) Records destruction is addressed in rule 5101:9-9-21 of the Administrative Code. Division 5101:9 of the Administrative Code addresses access and safeguarding provisions for systems data.
- (3) IRS, SSA and the United States department of agriculture (USDA) food and nutrition service (FNS) shall be permitted to make onsite inspections to ensure that adequate safeguards are being maintained and that proper procedures are followed.

(K) What is considered proper disclosure of the IEVS data?

The IEVS match information may only be disclosed as discussed in rule 5101:4-1-13 of the Administrative Code and used as discussed in paragraph (G) of this rule.

(L) Is a record of disclosure required when IEVS information is released?

IRS and SSA require ODJFS and county agencies to keep a record of any disclosure of federal tax information, including SSA match information, to any person or agency who is not an employee of ODJFS or the county agency. The record of the disclosure must be retained in the case file for five years or the active life of the application, whichever is longer. In addition, the county agency shall record all disclosures in its central file of BENDEX. The record of disclosure shall contain:

- (1) A description of the information disclosed;
- (2) The date of the disclosure;
- (3) The identity of the persons or agencies to whom the information was disclosed;
and
- (4) The purpose of the disclosure.

(M) Is there a penalty for improper disclosure of information?

Rule 5101:9-9-25 of the Administrative Code sets forth employee awareness requirements for unauthorized disclosure of IEVS and federal tax return information.

(N) Is it possible to receive a match error?

The validity of the IEVS match information is dependent upon the accuracy of the SSN supplied, the SSN contained in SSA's earnings file, and IRS's file. The accuracy of the SSN supplied by ODJFS is dependent upon the accuracy of the number provided by the county agency. SSA accuracy is dependent upon the accuracy of the reporting employer and the employee who supplies the SSN. Accuracy of the IRS information is dependent on the institution providing the information. An error from any one of these financial sources may cause the IEVS match to attribute earnings, benefits, or resources to an assistance group member which belongs to another person. Therefore, the county agency shall determine the match is valid prior to taking any action on benefits.

(O) How is an error in the data match detected?

When the name of the recipient is different than the name on the match, the match may be an error or it may be an indication of an intentional program violation. The agency worker shall make this decision based upon all of the information from the appropriate match source and the case file. The following are examples of possible reasons for conflicting information:

- (1) At times the surnames do not match, but the given names match or are similar. Sometimes a maiden name is used for one activity and a married name for the other.
- (2) The name and address of the employer may also give an indication about whether a discrepancy is a match error. For example, if the address of the employer is out of state it may indicate that the match is in error. However, because this could indicate the corporate office of a local business, this information should not be considered conclusive.

(P) How is an SSN validated?

Since an incorrect SSN that is undetected could cause incorrect overpayment charges the county agency must review the case file to determine how the number was verified at the time it was obtained. If there is no copy of the social security card in the case file, the county agency shall request the assistance group to provide it at that time. If the assistance group member no longer has the card, the county agency shall complete an JFS 07355 "Notice of Application for a Social Security Number" (rev. 4/01) in order to verify the SSN with SSA files. The requirement to verify the SSN is the responsibility of the county agency, not the assistance group. All SSNs within IEVS are verified through SSA. The county agency may also complete SVRQ in CRIS-E to verify the SSN.

(Q) Is a match verification of earnings, dividends, or benefits?

An IEVS match is not verification of earnings, dividends, or benefits. It is only an indication that an assistance group member may have had income while receiving food assistance or that an assistance group member may have withheld income information. The match is an opportunity for the county agency to confirm an assistance group's previous statement. If there appears to have been unreported income, the county agency shall obtain actual verification from a third party to check previous eligibility.

Replaces: 5101:4-7-09
Effective: 02/10/2011
R.C. 119.032 review dates: 11/01/2015

CERTIFIED ELECTRONICALLY

Certification

01/31/2011

Date

Promulgated Under: 111.15
Statutory Authority: 5101.54
Rule Amplifies: 329.04, 329.042, 5101.54
Prior Effective Dates: 6/2/80, 3/1/84 (Temp.), 6/1/84, 11/1/86 (Emer.),
1/16/87, 10/1/89 (Emer.), 12/16/89, 8/1/95 (Emer.),
10/13/95, 7/1/96 (Emer.), 8/25/96, 5/1/99, 7/15/99,
6/1/01 (Emer.), 8/27/01, 12/08/05