

# **FNS-366B**

## **Program Activity Statement Revision**

**Step-by-Step Changes  
with Annotations and  
Form Instructions**

## Contents

Impetus for the Revision.....	2
Revision Process.....	3
Implementation .....	3
Regulation Change .....	4
Old Form .....	5
Revised Form.....	6
Certifications - Old .....	7
Certifications - Revised .....	7
Added Portion.....	7
No Change to Fair Hearings .....	8
Investigations - Old .....	8
Investigations - Revised .....	8
Fraud Investigations Definition.....	9
Investigations - Revised .....	10
Investigations Eligibility Fraud.....	10
Investigations Trafficking .....	11
Investigations Combine.....	11
Hearings and Prosecutions Old.....	12
Hearings - Revised.....	12
Prosecutions - Revised .....	12
ADH - Eligibility Fraud .....	13
ADH - Trafficking .....	14
ADH - Combined.....	14
Prosecutions - Eligibility Fraud.....	15
Prosecutions - Trafficking.....	15
Prosecutions - Combined .....	16
Instructions - Revised.....	16

# Impetus for the Revision

- The current administration, Congress, and Food and Nutrition Service (FNS) and SNAP leadership have all placed an emphasis on fraud control for both SNAP recipients and retailers.
- While State agencies have done, and continue to do, great work ensuring recipient integrity, FNS has not been able to fully document that work. This limitation impacts decision making and limits FNS' ability to portray the full breadth and scale of fraud control activities.
- The same is true for some certification information.
- The 366B is FNS' primary means of collecting data on the fraud control and certification activities of State SNAP agencies.
- Collection of this data is required by federal regulations authorized by the Food and Nutrition Act of 2014 and previous legislation.
- In August 2014, the U.S. Government Accountability Office (GOA) specifically cited the 366B when concluding that: FNS' ability to monitor [fraud control activities] and develop [fraud control strategies] was hindered by the lack of consistency and reliability of data.
- So, in coordination with other related efforts, FNS revised the 366B to:
  - Clarify vague or incomplete instructions and definitions
  - Improve monitoring of certification activities
  - Distinguish fraud by type: Eligibility Fraud or Trafficking
  - Include metrics that provide a view into the differing circumstances fraud units face when dealing with eligibility fraud and trafficking
  - Focus on investigation and hearing outcomes
  - Allow fraud units to more fully document all cases that have beneficial outcomes

# Revision Process

- FNS National and Regional personnel coordinated to discuss necessities for beginning the revision process, and drafted questions for 366B users. These questions were posed to State personnel through a Request for Information.
- FNS received many useful comments from a number of respondents. These comments informed the initial draft.
- Once this draft was completed, it was shared publicly and comments were again solicited.
- The comments FNS received on the draft, along with further discussions with State and Regional personnel, led to significant changes to the interim draft of the form.
- These changes were finalized into the form we will discuss today.
- This form received OMB final approval on 6/8/2016

# Implementation

- The new form will be used for reporting beginning Federal Fiscal Year 2017
- States should be able to track the elements included in this form beginning 10/1/2016
- The first reporting period for the new form is 10/1/2016 through 12/31/2016

# Regulation Change

Through a separate rulemaking process from the form revision, FNS posted changes to the regulations regarding FNS-366B reporting timeframes.

- Beginning 10/1/2016, this form will be reported based on the Federal Fiscal Year instead of the current State Fiscal Year basis
- Beginning the first quarter after each State's 2016 State Fiscal Year concludes, reporting of the form will be increased to quarterly from the current annual requirement
- Changes will be reflected in 7 CFR 272.2

# Old Form

U.S. DEPARTMENT OF AGRICULTURE - FOOD AND NUTRITION SERVICE				A. STATE				
PROGRAM AND BUDGET SUMMARY STATEMENT PART B - PROGRAM ACTIVITY STATEMENT				B. REPORT PERIOD (State's FY)				
				Month	Year	TO	Month	Year
C. CERTIFICATIONS	(A) APPROVAL	(B) DENIALS	(C) TOTAL					
1. INITIAL APPLICATIONS								
2. RECERTIFICATIONS								
3. TOTAL								
4. EXPEDITED SERVICE								
D. FAIR HEARINGS	(A) HEARINGS REQUESTED	(B) HEARINGS HELD	(C) DECISIONS UPHELD	(D) DECISIONS REVERSED	(E) DECISIONS OVERDUE	(F) WITHDRAWN REQUESTS		
1. ACTIVITY								
E. FRAUD INVESTIGATIONS	(A) REFERRED FOR INVEST.	INVEST COMPLETED		(D) PROGRAM DOLLARS	(E) INVEST PENDING	(F) INVEST CANCELLED		
		(B) NEGATIVE	(C) POSITIVE					
1. PRE-CERTIFICATION								
2. POST-CERTIFICATION								
F. DISQUALIFICATION HEARINGS AND PROSECUTIONS	(A) CASES (PERSONS) REFERRED	(B) CASES PURSUED	(C) WAIVERS DISQ CONSENT AGREEMENT	(D) UPHELD CONVICTIONS	(E) ACTUALLY ACQUITTED	(F) PROGRAM DOLLARS	(G) PENDING DECISIONS	(H) DECISIONS OVERDUE
1. ADMINISTRATIVE DISQUALIFICATION HEARING								
2. PROSECUTIONS								
DATE	SIGNATURE				TITLE			

- This is the form version that has been used for about the last 8 years
- It will be used to report data from 9/30/2016 and earlier

# Revised Form

CERTIFICATIONS		(a) APPROVALS	(b) DENIALS	(c) TOTAL APPROVED AND DENIED	APPROVED OVERDUE APPLICATIONS			
					(d) 1-30 DAYS	(e) 31-60 DAYS	(f) 61-90 DAYS	(g) 91+ DAYS
3. INITIAL APPLICATIONS								
4. RECERTIFICATIONS								
5. TOTAL								
6. EXPEDITED SERVICE								

  

FAIR HEARINGS		(a) HEARINGS REQUESTED	(b) HEARINGS HELD	(c) DECISIONS UPHELD	(d) DECISIONS REVERSED	(e) DECISIONS OVERDUE	(f) WITHDRAWN REQUESTS
7. ACTIVITY							

  

FRAUD INVESTIGATIONS	ELIGIBILITY FRAUD					TRAFFICKING				COMBINED
	(a) EVIDENCE FOUND TO REDUCE OR DENY BENEFITS	(b) NO EVIDENCE FOUND TO REDUCE OR DENY BENEFITS	(c) RESULTED IN REFERRAL FOR ADH OR PROSECUTION	(d) AVERAGE # OF DAYS PER CONCLUDED INVESTIGATION	(e) OPEN INVESTIGATIONS	(f) RESULTED IN REFERRAL FOR ADH OR PROSECUTION	(g) RESULTED IN NO REFERRAL FOR ADH OR PROSECUTION	(h) AVERAGE # OF DAYS PER CONCLUDED INVESTIGATION	(i) OPEN INVESTIGATIONS	(j) INVESTIGATOR HOURS
8. CASES/DAYS/HOURS										

  

ADMINISTRATIVE DISQUALIFICATION HEARINGS	ELIGIBILITY FRAUD				TRAFFICKING			REFERRED INDIVIDUALS AWAITING SCHEDULING		(k) DECISION NOTICES OVERDUE
	(a) ADH CONCLUDED, INDIVIDUAL DISQUALIFIED	(b) WAIVER SIGNED, INDIVIDUAL DISQUALIFIED	(c) ADH CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	(d) AMOUNT SUBJECT TO CLAIM	(e) ADH CONCLUDED, INDIVIDUAL DISQUALIFIED	(f) WAIVER SIGNED, INDIVIDUAL DISQUALIFIED	(g) ADH CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	(h) AMOUNT SUBJECT TO CLAIM	(i) 91-180 DAYS	
9. INDIVIDUALS/\$/NOTICES										

  

PROSECUTIONS	ELIGIBILITY FRAUD				TRAFFICKING			(i) AVERAGE # OF DAYS PER CONCLUDED PROSECUTION
	(a) PROSECUTION CONCLUDED, INDIVIDUAL DISQUALIFIED	(b) DCA SIGNED, INDIVIDUAL DISQUALIFIED	(c) PROSECUTION CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	(d) AMOUNT SUBJECT TO CLAIM	(e) PROSECUTION CONCLUDED, INDIVIDUAL DISQUALIFIED	(f) DCA SIGNED, INDIVIDUAL DISQUALIFIED	(g) PROSECUTION CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	
10. INDIVIDUALS/\$/DAYS								

This is the form that will be used to report all data from 10/1/2016 and later.

# Certifications - Old

C. CERTIFICATIONS	(A) APPROVAL	(B) DENIALS	(C) TOTAL
1. INITIAL APPLICATIONS			
2. RECERTIFICATIONS			
3. TOTAL			
4. EXPEDITED SERVICE			

# Certifications - Revised

CERTIFICATIONS	(a) APPROVALS	(b) DENIALS	(c) TOTAL APPROVED AND DENIED	APPROVED OVERDUE APPLICATIONS			
				(d) 1-30 DAYS	(e) 31-60 DAYS	(f) 61-90 DAYS	(g) 91+ DAYS
3. INITIAL APPLICATIONS							
4. RECERTIFICATIONS							
5. TOTAL							
6. EXPEDITED SERVICE							

# Added Portion

CERTIFICATIONS	APPROVED OVERDUE APPLICATIONS			
	(d) 1-30 DAYS	(e) 31-60 DAYS	(f) 61-90 DAYS	(g) 91+ DAYS
3. INITIAL APPLICATIONS				
4. RECERTIFICATIONS				
5. TOTAL				
6. EXPEDITED SERVICE				

The days overdue options listed across the top of this section refer to the number of days beyond the respective mandated timeframe. For example, if an initial application is approved 43 days after the date of application, and there are no extenuating circumstances, this application should be reported under column (b) 1-30 DAYS.



# No Change to Fair Hearings

FAIR HEARINGS	(a) HEARINGS REQUESTED	(b) HEARINGS HELD	(c) DECISIONS UPHELD	(d) DECISIONS REVERSED	(e) DECISIONS OVERDUE	(f) WITHDRAWN REQUESTS
7. ACTIVITY						

## Investigations - Old

E. FRAUD INVESTIGATIONS	(A) REFERRED FOR INVEST.	INVEST COMPLETED		(D) PROGRAM DOLLARS	(E) INVEST PENDING	(F) INVEST CANCELLED
		(B) NEGATIVE	(C) POSITIVE			
1. PRE-CERTIFICATION						
2. POST-CERTIFICATION						

## Investigations - Revised

FRAUD INVESTIGATIONS	ELIGIBILITY FRAUD					TRAFFICKING				COMBINED
	(a) EVIDENCE FOUND TO REDUCE OR DENY BENEFITS	(b) NO EVIDENCE FOUND TO REDUCE OR DENY BENEFITS	(c) RESULTED IN REFERRAL FOR ADH OR PROSECUTION	(d) AVERAGE # OF DAYS PER CONCLUDED INVESTIGATION	(e) OPEN INVESTIGATIONS	(f) RESULTED IN REFERRAL FOR ADH OR PROSECUTION	(g) RESULTED IN NO REFERRAL FOR ADH OR PROSECUTION	(h) AVERAGE # OF DAYS PER CONCLUDED INVESTIGATION	(i) OPEN INVESTIGATIONS	(j) INVESTIGATOR HOURS
8. CASES/DAYS/HOURS										

The Investigations, ADH, and Prosecutions sections have all been split to distinguish between Eligibility Fraud and Trafficking. While these two groups contain very similar subsets of data, there are important differences between some of the subsets in the Investigations section.

# Fraud Investigations Definition

Investigations are activities conducted by investigators, or staff designated to assist with investigating, to develop a record of documentary evidence for individuals suspected of past, ongoing or attempted SNAP eligibility fraud or trafficking. This record is developed to confirm or disconfirm a suspicion of fraud and determine if there is sufficient evidence of intent to warrant civil, criminal or administrative action against individuals or deny the eligibility of applicants. Though investigations may result in a claim or reduced eligibility without a fraud finding, the impetus for an investigation should be a suspicion of fraud. Activities to determine whether something warrants an investigation or to verify discrepant information are not, on their own, investigations.

This definition is not an attempt to define how investigators go about conducting investigation. Instead, it is a framework for identifying which activities should be included in this section. Because there is sometimes a blurry line between eligibility verification and investigations, this definition emphasizes that the activity is the result of a suspicion of fraud. Here are examples of two certification activities on either side of the blurry line:

1 - Eligibility worker matches all adult applicants against an income database, positive matches are referred for verification, employer is called and match is confirmed, the application is denied and no additional action is taken.

2 – Eligibility worker suspects applicant is lying about their household, refers the case, someone goes to the house to confirm occupants.

1 - Would *not* be an investigation, because it is really just verification of the accuracy of the match.

2 - Would be an investigation because a suspicion of fraud led the eligibility worker to single out the individual.

# Investigations - Revised

FRAUD INVESTIGATIONS	ELIGIBILITY FRAUD					TRAFFICKING			COMBINED	
	(a) EVIDENCE FOUND TO REDUCE OR DENY BENEFITS	(b) NO EVIDENCE FOUND TO REDUCE OR DENY BENEFITS	(c) RESULTED IN REFERRAL FOR ADH OR PROSECUTION	(d) AVERAGE # OF DAYS PER CONCLUDED INVESTIGATION	(e) OPEN INVESTIGATIONS	(f) RESULTED IN REFERRAL FOR ADH OR PROSECUTION	(g) RESULTED IN NO REFERRAL FOR ADH OR PROSECUTION	(h) AVERAGE # OF DAYS PER CONCLUDED INVESTIGATION	(i) OPEN INVESTIGATIONS	(j) INVESTIGATOR HOURS
8. CASES/DAYS/HOURS										

## Investigations Eligibility Fraud

FRAUD INVESTIGATIONS	ELIGIBILITY FRAUD				
	(a) EVIDENCE FOUND TO REDUCE OR DENY BENEFITS	(b) NO EVIDENCE FOUND TO REDUCE OR DENY BENEFITS	(c) RESULTED IN REFERRAL FOR ADH OR PROSECUTION	(d) AVERAGE # OF DAYS PER CONCLUDED INVESTIGATION	(e) OPEN INVESTIGATIONS
8. CASES/DAYS/HOURS					

For this form, all eligibility investigations have three possible outcomes: evidence found that affects eligibility, no evidence found that affects eligibility, open.

- Box (a) should contain all the concluded investigations that resulted in a 'positive' outcome. That is, the evidence proves intentional fraud, or, the evidence does not prove intentional fraud, but it results in avoiding or identifying improper payments.
- Box (b) should contain all the 'negative' cases that do not show fraud or improper payments and are canceled, closed, suspended, etc...
- Box (c) should contain the subset of cases in Box (a) that were referred for ADH or Prosecution. This excludes the cases in Box (a) that were 'positive' but fell short of proving intentional fraud.
- Box (e) should contain all the cases are ongoing/open at the end of the reporting period.

The start and end date should be recorded for every concluded investigation. The number of days from, and including, the start date through the end date should be calculated for each case. Sum all of these calculations for investigations concluded during the report period and divide by the total number investigations included. Report this final total in Box (d). The total reported in Box (d) should be based on actual timeframes recorded during the reporting period, and not an estimate based on the

# Investigations Trafficking

FRAUD INVESTIGATIONS	TRAFFICKING			
	(f) RESULTED IN REFERRAL FOR ADH OR PROSECUTION	(g) RESULTED IN NO REFERRAL FOR ADH OR PROSECUTION	(h) AVERAGE # OF DAYS PER CONCLUDED INVESTIGATION	(i) OPEN INVESTIGATIONS
8. CASES/DAYS/HOURS				

Unlike the eligibility side of the Investigations section, the trafficking side does not have a box for 'positive' cases where fraud is not proven. Trafficking is, by definition, intentional and, therefore, cannot result in an adverse action until confirmed in an administrative hearing or court of law.

# Investigations Combined

FRAUD INVESTIGATIONS	TRAFFICKING			
	(f) RESULTED IN REFERRAL FOR ADH OR PROSECUTION	(g) RESULTED IN NO REFERRAL FOR ADH OR PROSECUTION	(h) AVERAGE # OF DAYS PER CONCLUDED INVESTIGATION	(i) OPEN INVESTIGATIONS
8. CASES/DAYS/HOURS				

The only portion of the Investigations that should not be separated by eligibility and trafficking is Box (j), which collects the total hours investigators spent on SNAP during the reporting period. While there is *some* flexibility in who is considered an investigator from State to State, this should be limited to individuals whose primary duty with SNAP is to investigate potential SNAP fraud. The primary program of concern, however, does not need to be SNAP. For example, an investigator may spend 80% of their time working for non-SNAP programs, but the time they spend working for the SNAP agency is primarily spent in an investigative role. Oppositely, an eligibility worker that assists with investigations as a small portion of their standard duties would not be considered an investigator. Investigative unit administrative staff should not be considered investigators.

This total should reflect, as closely as possible, the payroll hours used to calculate federal reimbursement. Investigative personnel are not expected to track the exact hours they spend working on SNAP cases beyond what is the normal accounting practice used within the State agency. This means, for example, if 50% of an investigator's salary is supported by SNAP funds, the agency only needs to report their 50% of their normal work hours, and does not need to account for paid leave, travel time, etc... if they do not affect the reimbursement amount.

# Hearings and Prosecutions Old

F. DISQUALIFICATION HEARINGS AND PROSECUTIONS	(A) CASES (PERSONS) REFERRED	(B) CASES PURSUED	(C) WAIVERS DISQ CONSENT AGREEMENT	(D) UPHELD CONVICTIONS	(E) ACTUALLY ACQUITTED	(F) PROGRAM DOLLARS	(G) PENDING DECISIONS	(H) DECISIONS OVERDUE
1. ADMINISTRATIVE DISQUALIFICATION HEARING								
2. PROSECUTIONS								

# Hearings - Revised

ADMINISTRATIVE DISQUALIFICATION HEARINGS	ELIGIBILITY FRAUD				TRAFFICKING				COMBINED		
	(a) ADH CONCLUDED, INDIVIDUAL DISQUALIFIED	(b) WAIVER SIGNED, INDIVIDUAL DISQUALIFIED	(c) ADH CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	(d) AMOUNT SUBJECT TO CLAIM	(e) ADH CONCLUDED, INDIVIDUAL DISQUALIFIED	(f) WAIVER SIGNED, INDIVIDUAL DISQUALIFIED	(g) ADH CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	(h) AMOUNT SUBJECT TO CLAIM	REFERRED INDIVIDUALS AWAITING SCHEDULING		(k) DECISION NOTICES OVERDUE
									(i) 91-180 DAYS	(j) 181+ DAYS	
9. INDIVIDUALS/\$/NOTICES											

# Prosecutions - Revised

PROSECUTIONS	ELIGIBILITY FRAUD				TRAFFICKING				COMBINED
	(a) PROSECUTION CONCLUDED, INDIVIDUAL DISQUALIFIED	(b) DCA SIGNED, INDIVIDUAL DISQUALIFIED	(c) PROSECUTION CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	(d) AMOUNT SUBJECT TO CLAIM	(e) PROSECUTION CONCLUDED, INDIVIDUAL DISQUALIFIED	(f) DCA SIGNED, INDIVIDUAL DISQUALIFIED	(g) PROSECUTION CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	(h) AMOUNT SUBJECT TO CLAIM	(i) AVERAGE # OF DAYS PER CONCLUDED PROSECUTION
10. INDIVIDUALS/\$/DAYS									

Administrative disqualification hearings and prosecutions lines have been split into separate sections. Though they are still very similar, there are a couple differences under the Combined sections.

# ADH - Eligibility Fraud

ADMINISTRATIVE DISQUALIFICATION HEARINGS	ELIGIBILITY FRAUD			
	(a) ADH CONCLUDED, INDIVIDUAL DISQUALIFIED	(b) WAIVER SIGNED, INDIVIDUAL DISQUALIFIED	(c) ADH CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	(d) AMOUNT SUBJECT TO CLAIM
9. INDIVIDUALS/ \$/NOTICES				

For the Eligibility and Trafficking portions of both the Hearings and Prosecutions sections, only report individuals whose proceedings concluded during the report period, regardless of when they began. In addition, each individual that completes an ADH or prosecution should be counted separately even if the hearings are combined or they stem from the same investigation.

For both Hearings and Prosecutions, Program Dollars has been changed to Amount Subject to Claim. This amount should be calculated using the potential amount that can be reclaimed/recouped/intercepted from a household after an IPV ruling. Do not include overpayments that can be established for individuals who are not disqualified. If multiple household members are disqualified, only report the potential total claim against the household.

# ADH - Trafficking

ADMINISTRATIVE DISQUALIFICATION HEARINGS	TRAFFICKING			
	(e) ADH CONCLUDED, INDIVIDUAL DISQUALIFIED	(f) WAIVER SIGNED, INDIVIDUAL DISQUALIFIED	(g) ADH CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	(h) AMOUNT SUBJECT TO CLAIM
9. INDIVIDUALS/\$/NOTICES				

# ADH - Combined

ADMINISTRATIVE DISQUALIFICATION HEARINGS	COMBINED		
	REFERRED INDIVIDUALS AWAITING SCHEDULING		(k) DECISION NOTICES OVERDUE
	(i) 91-180 DAYS	(j) 181+ DAYS	
9. INDIVIDUALS/\$/NOTICES			

The addition of Referred Individuals Awaiting Scheduling requires that States track and report individuals whose cases have been referred for an ADH but have not been scheduled or rejected/canceled for over 3 months. These referrals are sometimes known as the ADH backlog. Referrals that have awaited scheduling for over 90 days should be reported under the appropriate box every report period until they are scheduled or rejected/canceled. If no referrals await scheduling for over 90 days, none should be reported here.

# Prosecutions - Eligibility Fraud

PROSECUTIONS	ELIGIBILITY FRAUD			
	(a) PROSECUTION CONCLUDED, INDIVIDUAL DISQUALIFIED	(b) DCA SIGNED, INDIVIDUAL DISQUALIFIED	(c) PROSECUTION CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	(d) AMOUNT SUBJECT TO CLAIM
10. INDIVIDUALS/\$/DAYS				

The only significant difference between the Prosecutions and Hearings Sections' Eligibility and Trafficking portions is that not all 'guilty' rulings are sufficient for the SNAP agency to levy a disqualification. For example, a judge may find an individual guilty of a 'theft of government property' law that does not sufficiently reference SNAP to allow the agency to disqualify the individual. Because prosecuted individuals are now reported by whether they can be disqualified, and not whether the charges are upheld, some 'guilty' individuals may be reported under Box (c).

# Prosecutions - Trafficking

PROSECUTIONS	TRAFFICKING			
	(e) PROSECUTION CONCLUDED, INDIVIDUAL DISQUALIFIED	(f) DCA SIGNED, INDIVIDUAL DISQUALIFIED	(g) PROSECUTION CONCLUDED, INDIVIDUAL NOT DISQUALIFIED	(h) AMOUNT SUBJECT TO CLAIM
10. INDIVIDUALS/\$/DAYS				



# Prosecutions - Combined

PROSECUTIONS	COMBINED
	(i) AVERAGE # OF DAYS PER CONCLUDED PROSECUTION
10. INDIVIDUALS/\$/DAYS	

FNS recognizes that prosecution timeframes are largely out of State agencies' control and, therefore, will not view this number as a reflection of agencies' efficiency or effectiveness. This timeframe metric is to provide FNS information on States' varied prosecutorial processes. While prosecutions are outside agency control, agencies should have a mechanism in place for tracking cases throughout their lifecycle to ensure that appropriate actions are taken when cases are disposed.

## FNS-366B INSTRUCTIONS

### CERTIFICATIONS:

This section identifies the number of SNAP initial and recertification applications that were approved or denied, and the total applications processed, and the number of applications that were approved beyond processing requirements. The entries in each line item must be determined independent of the other line item entries. Counts entered into column (b), Denials, should only include those applications which were denied due to ineligibility. Do not include closed cases. Count only SNAP applications that were processed to a determination and do not count withdrawals or disaster applications. Counts should represent applications that were approved, denied and overdue during the reporting period of this form. Approved overdue applications includes all applications processed to approval after day 30 (in the case of regular applications) or day 7 (in the case of expedited applications), including all previously pended applications if approved beyond these timeframes.

#### LINE 3 - INITIAL APPLICATIONS:

Report the total number of SNAP initial applications that were approved 3(a) and denied 3(b) during the report period. Calculate the total number of initial applications 3(c) by adding 3(a)+3(b). Of the initial applications approved in 3(a), report the number of those applications approved overdue during the report period by 1 and 30 days 3(d), 31 and 60 days 3(e), 61 and 90 days 3(f) and over 91 days 3(g). For example, if an application was approved 43 days after the date of application, the application should be reported in the count in column 3(d).

#### LINE 4 - RECERTIFICATIONS:

Report the number of SNAP recertification applications that were approved 4(a) and denied 4(b) during the report period. Calculate the total number of recertification applications 4(c) by adding 4(a)+4(b). Of the recertification applications approved in 4(a), report the number of those recertification applications that were approved overdue during the report period by 1 and 30 days 4(d), 31 and 60 days 4(e), 61 and 90 days 4(f) and over 91 days 4(g).

#### LINE 5 - TOTAL

Report the total number of SNAP initial and recertification applications approved in 5(a) by adding 3(a)+4(a), denied in 5(b) by adding 3(b)+4(b), and total number processed in 5(c) by adding 3(c)+4(c). Report the total number of SNAP initial and recertification applications approved overdue during the report period by 1 and 30 days in 5(d) by adding 3(d)+4(d), between 31 and 60 days in 5(e) by adding 3(e)+4(e), between 61 and 90 days in 5(f) by adding 3(f)+4(f), and over 91 days in 5(g) by adding 3(g)+4(g). Totals should represent all applications that were received and processed to a determination during the report period.

### LINE 6 - EXPEDITED SERVICE

Report the total number of SNAP applications that were approved for and received expedited service during the report period in column 6(a). Of the expedited applications approved in 6(a), report the total number of applications screened as eligible for expedited service that were approved late during the report period by 1 and 30 days 6(d), 31 and 60 days 6(e), 61 and 90 days 6(f) and over 91 days 6(g). For example, if an application is approved 73 days after the date of application and that application met expedited service criteria, the application should be included in the count in column 6(f).

### FAIR HEARINGS

#### LINE 7 - ACTIVITY

- (a) HEARINGS REQUESTED - Report the total number of fair hearings requested during the report period.
- (b) HEARINGS HELD - Report the total number of fair hearings that were held during the report period.
- (c) DECISIONS UPHELD - Report the total number of fair hearings that were held during the report period that resulted in the State agency's action being upheld.
- (d) DECISIONS REVERSED - Report the total number of fair hearings that were held during the report period that resulted in the State agency's action being reversed.
- (e) DECISIONS OERDUE - Report the total number of fair hearing decisions rendered during the report period that were not made within the specified time frames.
- (f) WITHDRAWN REQUESTS - Report the total number of fair hearing requests that were withdrawn during the report period. Include no shows in the count of withdrawals.

## FNS-366B INSTRUCTIONS

### FRAUD INVESTIGATIONS

This section reflects activity of fraud control unit(s), or similar investigative entities, within a State to investigate individuals suspected of SNAP eligibility fraud and/or trafficking benefits.

Investigations are activities conducted by investigators, or staff designated to assist with investigating, to develop a record of documentary evidence for individuals suspected of past, ongoing or attempted SNAP eligibility fraud or trafficking. This record is developed to confirm or disconfirm a suspicion of fraud and determine if there is sufficient evidence of intent to warrant civil, criminal or administrative action against individuals or deny the eligibility of applicants. Though investigations may result in a claim or reduced eligibility without a fraud finding, the impetus for an investigation should be a suspicion of fraud. Activities to determine whether something warrants an investigation or to verify discrepant information are not, on their own, investigations.

Each investigation (case) must be reported under *either* Eligibility Fraud or Trafficking, *and*, when applicable, Combined. The type of fraud that most appropriately reflects the matter investigated must be determined for each investigation. A case wherein multiple people are investigated is counted as one case.

### LINE 8 - CASES / DAYS / HOURS

**ELIGIBILITY FRAUD:** Investigated individual(s) suspected of intentionally making a false or misleading statement, or misrepresenting, concealing or withholding facts at application, required reporting, or recertification period with the intent to influence a SNAP eligibility determination.

- (a) EVIDENCE FOUND TO REDUCE OR DENY BENEFITS - Report the total number of eligibility fraud investigations (cases) that concluded *with* a finding of sufficient evidence to reduce or deny benefits of investigated individual(s). This includes both investigations concluded before certification that affect the final determination of eligibility/benefit allotment, and investigations concluded after certification that affect ongoing eligibility/benefit allotment.
- (b) NO EVIDENCE FOUND TO REDUCE OR DENY BENEFITS- Report the total number of eligibility fraud investigations (cases) that concluded *without* a finding of sufficient evidence to reduce or deny benefits of investigated individuals. This includes investigations where allegations/suspensions are not corroborated, allegations/suspensions are corroborated, but do not impact eligibility/benefit allotment, and investigations that are canceled or suspended without a final determination of guilt.
- (c) RESULTED IN REFERRAL FOR ADH OR PROSECUTION - Of the eligibility fraud investigations reported in box 8(a), report the total number of concluded investigations (cases) that resulted in the referral of an individual for an Administrative Disqualification Hearing or Prosecution due to a suspected Intentional Program Violation. Count only investigations, not individuals. For example, if a single investigation of a household leads to the referral of multiple individuals for ADH or prosecution, count the investigation only once. ADH and prosecution outcomes for individuals are reported on lines 9 and 10.

- (d) AVERAGE # OF DAYS PER CONCLUDED INVESTIGATION - Report the average length in days of all eligibility fraud investigations (cases) reported in 8(a) and 8(b): determine for each eligibility fraud investigation the total days from the day a case was referred for investigation to the day the investigation concluded and/or was canceled. Sum together the individual investigation lengths. Then, divide this sum by the total of 8(a) + 8(b). For cases that require additional investigation after ADH/prosecution referral is made, consider the referral date as the conclusion date.
- (e) OPEN INVESTIGATIONS - Report the number of ongoing/unresolved eligibility fraud investigations (cases) at the time of reporting.

**TRAFFICKING:** Investigated individual(s) was/is suspected of trafficking benefits: see 7 CFR §271.2 Definitions.

- (f) RESULTED IN REFERRAL FOR ADH OR PROSECUTION - Report the total number of trafficking investigations (cases) that concluded *with* a finding of sufficient evidence to refer individual(s) for Administrative Disqualification Hearing and/or Prosecution. Count only investigations, not individuals.
- (g) RESULTED IN NO REFERRAL FOR ADH OR PROSECUTION - Report the total number of trafficking investigations (cases) that concluded *without* a finding of sufficient evidence to refer individual(s) for Administrative Disqualification Hearing and/or Prosecution.
- (h) AVERAGE # OF DAYS PER CONCLUDED INVESTIGATION - Report the average length in days of all trafficking investigations (cases) reported in boxes 8(f) and 8(g): Determine for each trafficking investigation the total days from the day the case was referred for investigation to the day the investigation concluded. Sum together the individual lengths. Then, divide this sum by the total of 8(f) + 8(g). For cases that require additional investigation after ADH/prosecution referral is made, consider the referral date as the conclusion date.
- (i) OPEN INVESTIGATIONS - Report the number of ongoing/unresolved trafficking investigations (cases) at the time of reporting.

**COMBINED:** Include all SNAP investigations.

- (j) INVESTIGATOR HOURS - Report the total investigator hours that were eligible for FNS 50/50 reimbursement within the State during the report period. This amount can be determined by: using the actual hours used to calculate FNS reimbursement over the report period; or, by calculating a sum based on the designated percentage of total hours worked in a report period that an investigator, or investigators combined, spent on SNAP investigation activity; or, by equivalent means appropriate for the State.

## FNS-366B INSTRUCTIONS

### ADMINISTRATIVE DISQUALIFICATION HEARINGS

This section reflects action taken against individuals referred for an administrative disqualification hearing (ADH) after an investigation yielded sufficient documentary evidence to substantiate and pursue an IPV.

Each individual must be reported under *either* Eligibility Fraud or Trafficking, *and*, when applicable, Combined. The type of fraud that most appropriately reflects the case circumstances must be determined for each individual. Count each accused person that completed an ADH or signed a waiver individually.

### LINE 9 - INDIVIDUALS / \$ / NOTICES

**ELIGIBILITY FRAUD:** Referred individual accused of intentionally making a false or misleading statement, or misrepresenting, concealing or withholding facts at application, required reporting, or recertification period with the intent to influence a SNAP eligibility determination.

- (a) ADH CONCLUDED, INDIVIDUAL DISQUALIFIED - Report the number of individuals that were disqualified after the ADH hearing officer confirmed the commission of an eligibility fraud IPV. Do not include waivers.
- (b) WAIVER SIGNED, INDIVIDUAL DISQUALIFIED - Report the number of individuals that were disqualified after signing a Waiver of Right to an ADH for an eligibility fraud IPV.
- (c) ADH CONCLUDED, INDIVIDUAL NOT DISQUALIFIED - Report the number of individuals for whom the hearing official rendered a ruling that did not confirm the commission of an eligibility fraud IPV.
- (d) AMOUNT SUBJECT TO CLAIM - Report the estimated dollar value of benefits that may be recovered due to the eligibility fraud disqualifications reported in 9(a) and 9(b). Sum all individual dollar value determinations, and report the total amount.

**TRAFFICKING:** Referred individual accused of: see 7 CFR §271.2 Definitions.

- (e) ADH CONCLUDED, INDIVIDUAL DISQUALIFIED - Report the number of individuals that were disqualified after the ADH hearing officer confirmed the commission of a trafficking IPV. Do not include waivers.
- (f) WAIVER SIGNED, INDIVIDUAL DISQUALIFIED - Report the number of individuals that were disqualified after signing a Waiver of Right to an ADH for a trafficking IPV.
- (g) ADH CONCLUDED, INDIVIDUAL NOT DISQUALIFIED - Report the number of individuals for whom the hearing official rendered a ruling that did not confirm the commission of a trafficking IPV.
- (h) AMOUNT SUBJECT TO CLAIM - Report the estimated dollar value of benefits that may be recovered due to the trafficking disqualifications counted in 9(e) and 9(f). Sum all individual dollar value determinations, and report the total amount.

**COMBINED:** Include all concluded ADHs.

- (i) REFERRED INDIVIDUALS AWAITING SCHEDULING: 91-180 DAYS - Report the total number of individuals that were referred for ADH over 90 days before the time of reporting that have not received a scheduled date for their hearing.
- (j) REFERRED INDIVIDUALS AWAITING SCHEDULING: 181+ DAYS - Report the total number of individuals that were referred for ADH over 180 days before the time of reporting that have not received a scheduled date for their hearing.
- (k) DECISIONS NOTICES OVERDUE - Report the number of ADH decision notices issued in the report period that did not meet the 90-day (plus household-requested postponement days) requirement prescribed at 7 CFR 273.16(e)(2)(iv).

### PROSECUTIONS

This section reflects action taken against individuals referred for civil or criminal prosecution after an investigation yielded sufficient documentary evidence to substantiate and pursue an IPV through the appropriate court of jurisdiction.

Each individual must be counted under *either* Eligibility Fraud or Trafficking *and*, when applicable, Combined. The type of fraud that most appropriately reflects the case circumstances must be determined for each individual. Count each accused person that completed prosecution or signed a DCA individually.

### LINE 10 - INDIVIDUALS / \$ / DAYS

**ELIGIBILITY FRAUD:** Referred individual charged with intentionally making a false or misleading statement, or misrepresenting, concealing or withholding facts at application, required reporting, or recertification period with the intent to influence a SNAP eligibility determination.

- (a) PROSECUTION CONCLUDED, INDIVIDUAL DISQUALIFIED - Report the number of individuals that were disqualified after a court ruling confirmed the commission of SNAP eligibility fraud. Do not include DCAs or similarly enforceable prosecutorial agreements.
- (b) DCA SIGNED, INDIVIDUAL DISQUALIFIED - Report the number of individuals that were disqualified after signing a disqualification consent agreement or similarly enforceable prosecutorial agreement for SNAP eligibility fraud.
- (c) PROSECUTION CONCLUDED, INDIVIDUAL NOT DISQUALIFIED - Report the number of individuals for whom the prosecution resulted in an acquittal, or a ruling or agreement otherwise insufficient to enforce a disqualification for SNAP eligibility fraud.
- (d) AMOUNT SUBJECT TO CLAIM - Report the estimated dollar value of benefits that may be recovered due to the eligibility disqualifications counted in 10(a) and 10(b). Sum all individual dollar value determinations, and report the total amount.

## FNS-366B INSTRUCTIONS

**TRAFFICKING:** Referred individual charged with: see 7 CFR §271.2 Definitions.

- (e) PROSECUTION CONCLUDED, INDIVIDUAL DISQUALIFIED - Report the number of individuals that were disqualified after a court ruling confirmed the trafficking of SNAP benefits. Do not include DCAs or similarly enforceable prosecutorial agreements.
- (f) DCA SIGNED, INDIVIDUAL DISQUALIFIED - Report the number of individuals that were disqualified after signing a disqualification consent agreement or similarly enforceable prosecutorial agreement for trafficking SNAP benefits.
- (g) PROSECUTION CONCLUDED, INDIVIDUAL NOT DISQUALIFIED - Report the number of individuals for whom the prosecution resulted in an acquittal, or a ruling or agreement otherwise insufficient to enforce a disqualification for trafficking SNAP benefits.
- (h) AMOUNT SUBJECT TO CLAIM - Report the estimated dollar value of benefits that may be recovered due to the trafficking disqualifications counted in 10(e) and 10(f). Sum all individual dollar value determinations, and report the total amount.

**COMBINED:** Include all concluded prosecutions.

- (i) AVERAGE # OF DAYS PER CONCLUDED PROSECUTION - Report the average length in days of all prosecutions reported in 10(a), 10(b), 10(c), 10(e), 10(f), and 10(g): Determine for each prosecution the total days from the day a case was referred for prosecution to the day the prosecution concluded. Sum together individual prosecution lengths. Then, divide this sum by the total of 10(a) + 10(b) + 10(c) + 10(e) + 10(f) + 10(g). Consider cases concluded the day of conviction, of acquittal, a DCA is signed, an agreement with the court is reached, adjudication is initially deferred, or a similar resolution is reached. If a deferment or agreement is rescinded, the date of the final resolution may be used when known. Do not include cases that are returned or rejected by the prosecutor.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0584-0594. The time required to complete this information collection is estimated to average 15-30 hours per response, including the time to review instructions, search existing data resources, gather the data needed, complete and review the information collection.