**SWICA Overpayments and Intent**

Currently, the only overpayments that can be processed are those where there is a potential IPV.

When resolving SWICAs, workers should **NOT** check the follow-up action for OP/FRAUD box.

If a worker determines that benefits may have been issued in error due to the customer potentially committing fraud, the worker should review the case to determine if there is clear intent.

If the worker determines that there is clear intent (see criteria listed below), follow the BRITS process.

**BRITS Process:**

Create a claim referral for any SWICA cases that appear to have clear intent to obtain FS benefits they would not have received otherwise. Keep in mind that under the current PHE rules, unless their benefit would have reduced to $0, there would not be an overpayment.

In the Comments section, explain:

1. WHY you believe there is intent
2. What did the client do or say that would indicate an intentional act?
3. Was there a renewal/application/SMRF or client contact?

**What is an Intentional Program Violation (IPV)?**

Per FSH 7.3.2.4, an applicant or member commits an IPV when they intentionally:

1. Make a false or misleading statement or misrepresent, conceal, or withhold facts, including their identity or place of residence, to become eligible for benefits; or
2. Commit any act that constitutes a violation of the Food and Nutrition Act of 2008, the Supplemental Nutrition Assistance Program Regulations or any Wisconsin statute for the purpose of using, presenting, transferring, acquiring, receiving, or possessing, or trafficking of Food Share benefits or QUEST cards.

**What is intent?**

Merriam Webster defines intent as the act or fact of intending—especially the design or purpose to commit a wrongful or criminal act—and the state of mind with which an act is done.

At this time, a client must have the intent to misrepresent, conceal, or withhold facts in order to obtain FS benefits for which they would not have otherwise been eligible in order to pursue an IPV and overpayment. If it would “only” be a regular overpayment (failed to timely report or agency error), no overpayment claim referral is needed.

Examples:

1. Client applies for FS benefits and reports having no income from any source. The Agent notices on FDSH that the client received a paycheck just a few days earlier and questions them about being employed. The client states the job ended and that was their final check. SWICA match later shows the client continued to have earnings from that employer with no gaps in pay.
2. Client completes a renewal. He states he has no income from any source. When asked how he meets his housing expenses, he states he is using his savings to pay for his bills. SWICA match indicates that he was employed at Generac at the time of the application.
3. Client submits SMRF and marks the box that no one in the home was employed. SWICA match indicates employment began a month prior to the SMRF received date.