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**State of Wisconsin  
Governor Scott Walker**

**TO: W-2 Agencies  
Training Staff**

**FROM: Janice Peters, Director  
Bureau of Working Families  
Division of Family and Economic Security**

DFES OPERATIONS MEMO		
<b>No:</b>	13-11	
<b>DATE:</b>	04/25/2013	
<b>FS</b>	<input type="checkbox"/>	<b>MA</b> <input type="checkbox"/>
<b>SC</b>	<input type="checkbox"/>	<b>CTS</b> <input type="checkbox"/>
<b>W-2</b>	<input type="checkbox"/>	<b>FSET</b> <input type="checkbox"/>
<b>CF</b>	<input type="checkbox"/>	<b>JAL</b> <input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>	<b>BC+</b> <input type="checkbox"/>
		<b>CC</b> <input type="checkbox"/>
		<b>EA</b> <input checked="" type="checkbox"/>
		<b>RAP</b> <input type="checkbox"/>
<b>PRIORITY: High</b>		

**SUBJECT: Emergency Assistance Intentional Program Violations Automation**

**CROSS REFERENCE:** [Emergency Assistance Manual, Chapter 9](#)  
Wisconsin Works Manual, 11.6  
[Operations Memo 12-55](#) and 13-10  
[Child Care Operations Memo 12-56](#) and  
Child Care Technical Assistance Memo DECE-BCCA-2013-08

**EFFECTIVE DATE:** April 29, 2013

**PURPOSE**

This purpose of this operations memo is to:

1. Announce the automation of Emergency Assistance (EA) Intentional Program Violations (IPV) in the Emergency Assistance Tracking System (EATS).
2. Inform Wisconsin Works (W-2) agencies that the IPV policy for EA will be moved to the EA Manual on May 15, 2013.

**BACKGROUND**

2011 Wisconsin Act 202 created Wis. Stat. s. 49.001(3m) which defines an Intentional Program Violation as:

*Intentionally making a false or misleading statement, intentionally misrepresenting or withholding facts, or intentionally committing any act that constitutes a violation of state or federal law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking benefits under Chapter 49.*

The law also amended Wis. Stat. s. 49.151(2)(a) to specify that the Department of Children and Families (DCF), a Wisconsin Works (W-2) agency, or an entity administering Wisconsin Shares may determine whether an individual *applying for or receiving* Emergency Assistance, W-2, or Wisconsin Shares has committed an Intentional Program Violation. The law further created Wis. Stat. ss. 49.151(2)(a)1. to 49.151(2)(a)3. to provide denial periods for each IPV committed.

On November 1, 2012, the Bureau of Working Families (BWF) released Operations Memo 12-55 to announce updates to W-2, Job Access Loan (JAL), and EA IPV policies. BWF provided automation workaround procedures for imposing IPV penalties until full automation. This operations memo makes obsolete the workaround procedures in OM 12-55 and announces the release of an updated version of the EA Manual, Chapter 9, to include EA IPV policy. The manual update will be available May 15, 2013.

## **POLICY**

Current IPV policy for EA, W-2, and JALs is attached to [Operations Memo 12-55](#).

Effective May 15, 2013, BWF will update the [EA Manual](#), Chapter 9 to include the EA IPV policy from OM 12-55. BWF will also update the W-2 Manual, Chapter 11 with the W-2 and JAL IPV policies.

## **EATS**

### EATS Security for EA IPVs

EATS user access is based on W-2 agency and county. User profiles include Supervisor or Worker. EATS users with Supervisor access will have the ability to enter, edit, and delete EA IPVs for the agency and counties they are assigned. In addition, supervisors will be able to create and view an EA IPV Details Report. All EATS users will be able to view EA IPVs when completing a “search” for an individual in EATS.

### Entering EA IPVs in EATS and IPV History

Effective April 29, 2013, W-2 agency staff must enter EA IPVs into EATS. W-2 agency staff can find instructions for entering EA IPVs into EATS in the [Emergency Assistance IPV Desk Aid](#).

With implementation of EATS automation, when the W-2 agency enters an EA IPV for an individual, EATS will calculate the period of ineligibility and will display the IPV along with the ‘Eligible Date’ in the same way that the 12 month timeframe is displayed (for individuals who received an EA payment in the past 12 months). When the W-2 agency completes a “search” in EATS for an EA applicant, EATS will display any IPVs on the EA History Screen.



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EA Requests for Flower Corn within 12 months of today					
Request #	Clock	Eligible	Emergency Type	Payment Amt	Confirmed
904	12	12/13/2013	Impending homelessness (Financial Crisis and Notice to Terminate Tenancy)	500	Yes

↓

EA IPV History for Flower Corn					
IPV #	Status	Eligible	IPV Reason	Occurrence	Determination Date
14	Pending	6/13/2014	- Misrepresent Income, Earned or Unearned	IPV 1	1/1/2013
12	Deleted	-----	- Misrepresented Assets	IPV 1	12/10/2012

New IPV Request

Other EA Requests/Applications for Flower Corn				
Request #	Emergency Type	Application Date	Status	Confirmed
No Inactive Requests that have been issued for this individual were found.				

New EA Request

### EA IPV Penalties

For each IPV entered, EATS will calculate the EA IPV penalty period based on the IPV Occurrence (IPV1, IPV2, or IPV3). If the IPV was the result of a Denied EA Application, and there is no existing 12 month clock, the penalty period begins the first day of the month following the IPV Determination Date. The IPV Determination Date is the day that the W-2 agency determined that an EA IPV occurred. When there is an existing 12 month clock (for individuals who received an EA payment in the past 12 months), the IPV penalty period begins at the end of the 12 month clock.

For each IPV that the W-2 agency enters, EATS will calculate the penalty period consecutively to any existing clocks or other IPV penalty periods. EATS will calculate the IPV penalty periods consecutively if more than one IPV is entered in EATS for the same individual. If an IPV is deleted or edited, EATS will still calculate the penalty period start and end date based on the IPV Determination Date.

The EA IPV penalty period begin and end dates are calculated and auto populated by EATS. When a W-2 agency edits or deletes an IPV, the W-2 agency must edit other existing IPVs to attach the appropriate IPV Occurrence Code. EATS will then recalculate and enter the appropriate penalty period. A W-2 agency may edit or delete an IPV due to agency error, new information, or fact finding review decision.

### EA IPV Statuses

EATS will display each IPV along with the "status" of the IPV. IPV statuses are:

- Active
- Pending
- Expired
- Invalid

From the IPV penalty start date to the penalty end date, EATS will display IPVs in the "Active" status. The IPV penalty period may not be "Active" immediately upon entering the IPV, however. There maybe a period of time between the IPV Determination Date and the penalty

begin date. For example, an IPV with a Determination Date of April 4<sup>th</sup> will have a penalty begin date of May 1<sup>st</sup>. EATS will display IPV's that have been entered and confirmed in the "Pending" status until the penalty begin date. In some cases, when an agency edits or deletes an IPV, EATS may display other IPV's as "Invalid." The W-2 agency will be required to edit IPV's with an "Invalid" status.

In the screen print displayed above, the individual received an EA payment in December of 2012. The EA History Screen displays the 'Eligible Date' as 12 months following the date of the Approved EA application (Eligible Date is 12/13/2013). The W-2 agency entered IPV1 for this individual with an IPV Determination Date of 1/1/2013. Because there was an existing 12 month clock, the IPV penalty period does not begin until the end of the 12 month timeframe. For this reason, IPV1 is displayed as "Pending." EATS will display the IPV status as "Active" once the 12 month clock has ended. The IPV 'Eligible Date' is the end of the IPV penalty period. This screen print also displays an IPV with an "Expired" status.

While an IPV is in "Active" and "Pending" status, W-2 agencies may enter new Denied EA Applications into EATS. During the "Pending" status, it is also possible for a W-2 agency Supervisor to enter a new Approved EA Application. However, Supervisors should carefully review any new EA applications from an individual with a pending IPV before making the eligibility determination. W-2 agency staff with Worker access cannot enter New Approved EA Applications for someone with a "Pending" IPV.

## **TRAINING**

The [EA IPV Desk Aid](#) outlines instructions on entering an IPV into EATS. BWF will update the EATS Self Study Guide in July 2013.

## **AGENCY ACTION REQUIRED**

W-2 agencies must discuss IPV policy and EATS automation with staff and must update any relevant local agency procedures.

## **CONTACTS**

For W-2 Policy Questions in the Balance of State: Bureau of Regional Operations, W-2 Regional Coordinators

For W-2 Policy Questions in Milwaukee: Milwaukee Operations Section Regional Administrators

For CARES and EATS Processing Questions: W-2 Help Desk

\*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare Employment and Training, BC+ Core – BadgerCare Plus Core, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DCF/DFES/BWF/JZ