



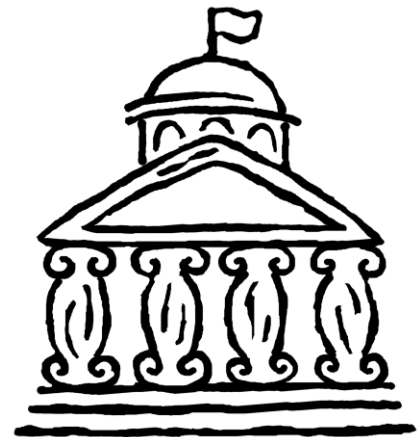
## Welfare Fraud Cases and Hearings

### What is welfare fraud?

If a county agency thinks you lied or did not give them the information they needed to give you public benefits, they may accuse you of welfare fraud. Public benefits include:

- MFIP (Minnesota Family Investment Program)
- DWP (Diversionary Work Program)
- SNAP (Supplemental Nutrition Assistance Program) (food stamps)
- Childcare assistance
- GA (General Assistance)
- Housing Support (formerly known as Group Residential Housing)
- MSA (Minnesota Supplemental Aid)
- Emergency Assistance (EA)
- Emergency General Assistance (EGA)
- and others

Fraud also includes selling or trying to sell SNAP benefits or EBT (Electronic Benefit Transfer) cards. Or trying to buy tobacco or alcohol with an EBT card.



### What if a welfare fraud investigator contacts me?

**Often its best to say nothing.** Anything you say to a county fraud investigator or in a civil ADH hearing (see below) can be used against you later. If you say or sign something, it can be held against you. If you answer questions, anything you say can be used against you.

But, under the 5th Amendment to the U.S. Constitution, you have the right to not answer questions! The 5th Amendment means you don't have to talk to the county fraud investigator. You don't have to testify against yourself in a criminal case or an ADH hearing. It may help to talk to a lawyer about this issue.

### What is an Administrative Disqualification Hearing (ADH)?

If the county accuses you of welfare fraud, they can file a criminal charge against you, or hold an administrative disqualification hearing (ADH), or do both. An ADH is a hearing to decide if you committed fraud to get public benefits, or tried to sell your benefits, or used them to buy alcohol or tobacco products.

## What does the county need to prove?

In an ADH, the county must show clear and convincing proof of fraud. This means they have to present evidence that you did or said something **on purpose** to get something from the county that you should not have gotten.

## What happens if the ADH Judge finds I committed fraud?

In most cases, you lose your benefits for 1 year for a first violation, 2 years for a second violation and permanently for a third violation. If you are disqualified from MFIP, you also lose SNAP. If the judge finds that you got SNAP benefits in more than one state at the same time, you can lose SNAP for 10 years. You can't get jail time in an ADH, but anything you say or anything the county finds out in an ADH **can** be used against you if they file a criminal charge. You can also file an appeal in District Court. Pay close attention to appeal deadlines. See our fact sheet [Public Benefits Appeals to District Court](#).

## Should I waive the hearing?

**No! Unless you admit that you did it and are ready to accept the penalties.** The county will probably ask you to sign a form to waive the hearing. **Call legal aid for advice before you sign!** If you sign it, you give up your right to a hearing. You also lose your benefits even if you don't admit to doing what the county says you did. If you sign the form, you may have up to 30 days to change your mind so contact legal aid if you have questions.



## Can they still file criminal charges?

Yes. The county can bring both an ADH and criminal charges against you.

## What if I appeal a notice to stop or lower my benefits?

That appeal can be combined with the ADH fraud hearing. **Get legal help right away.** The hearing will be tricky, because what the county has to prove is different for cutting your benefits than it is to prove fraud. The county only needs to prove that most of the facts are on its side to cut off or lower your benefits. But they need clear and convincing evidence to prove that you committed fraud.

## What if they file criminal charges?

Then you should ask them to drop or delay the ADH hearing. You should also talk with a criminal defense lawyer right away! You may qualify for a public defender. Contact your County Court Administration office to ask how to apply for a public defender.

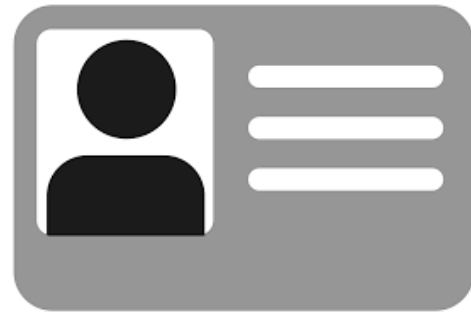
### **What if I am convicted of criminal fraud or if I am in a diversion program?**

If you are found criminally guilty of cheating to get welfare, you lose your benefits. If you are convicted, you can get jail time or fined or both.

If the ADH finds that you committed fraud or if you are convicted, you have to pay back the benefits you got. You also lose your benefits for 1 year for a first violation, 2 years for a second violation and permanently for a third violation. This is true even if you are in a diversion program or court ordered stay and probation.

### **What if I am not a U.S. citizen?**

If you are not a U.S. citizen, talk with a lawyer as soon as possible. A conviction for welfare fraud can affect your immigration status.



***Fact Sheets are legal information NOT legal advice. See a lawyer for advice.***

*Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.*

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