ADHs - Important Terms:

Clear and Convincing Evidence for Fraud Hearings- The clear and convincing standard requires a higher degree of certainty of the probability of a matter at issue than the preponderance of the evidence standard.

Concealment- Intent to deceive or defraud in a contractual arrangement by deliberate hiding, nondisclosure, or suppression of a material fact or circumstance legally or morally bound to reveal. Also refer to suppression of evidence.

Continuing Scheme- A situation in which a recipient commits two or more acts, such as falsifying a document or a statement or providing false information in an interview, with the intent to commit fraud. Failure to report a required program change in conjunction with one or more of the aforementioned acts may be considered a basis to commit fraud.

Defendant- The person defending or denying; the party against whom relief or recovery is sought in an action or suit.

Falsified Document- An agency document signed and dated by the recipient that does not report all current income or household circumstances

Falsified Interview- An interview with SNAP/TANF eligibility personnel at which time the client does not report all current income or accurate circumstances.

Falsified Statement- A definite statement made by a client, orally or in writing, that is not true (for example, client states he/she has not worked since a certain date, but in fact has worked since that date.)

Hearsay- Second hand evidence in which the witness is not telling what he/she knows personally, but what others have said to him/her. (For example, case documentation made by eligibility worker who is not present at the hearing.)

Hearsay Rule- The rule that no assertion offered as testimony can be received unless it is or has been open to test by cross-examination or an opportunity for cross-examination, except as provided otherwise by the rules of evidence, by court rules, or by statute.

Intentional Program Violation (IPV)- When a household member has intentionally made a false or misleading statement, or misrepresented, concealed or withheld facts for the purpose of receiving assistance under the SNAP and / or TANF program. A household member may be charged with an intentional program violation even if he has not actually received benefits to which he is not entitled.

Opportunity to Report- When a client reports any change, either in person or in writing, he/she is considered to have the opportunity to report all changes. Falsification occurs when a client reports one change, but not all changes. (For example, a client comes into the office to report an address change but fails to report starting a new job.)

Respondent- The party against whom a motion or petition is filed

** Black's Law Online Dictionary*
**Texas Works Handbook Glossary*
**Texas HHSC Fair and Fraud Hearings Basic Training- Definitions*