



# MAINE EQUAL JUSTICE

*Finding solutions to poverty and improving the lives of people with low income in Maine.*

## DHHS Fraud Investigations

In the past few years, the news has been filled with reports about “Welfare Fraud”. No one supports fraud. It should be stopped when it happens. But it is important to know that in Maine, there is very little real welfare fraud.

Most times, when people get benefits that they should not have, it is due to an honest mistake. Sometimes DHHS makes a mistake. Sometimes, the person getting help makes a mistake. This is not fraud.

Following are the most common questions and answers about “fraud” investigations.

### 1. **What is Fraud?**

Fraud is when you do not tell the truth and you do this so that you can get something that you know that you should not get.

### 2. **Why would a DHHS “fraud” investigator contact me?**

Whenever there is information that someone getting public assistance, like TANF, MaineCare or Food Supplement, may not be eligible, the local DHHS office can investigate. DHHS sometimes sends the case to the DHHS “Fraud, Recovery and Overpayment Unit.” This may be done even when it is not fraud.

### 3. **When the “fraud” person contacts me, does it mean that I am being accused of fraud?**

Not necessarily. It could be fraud or it could just be an honest mistake or misunderstanding.

### 4. **Do I have to answer the fraud investigator’s questions?**

No. You do not have to answer any questions.

### 5. **What happens if I do not answer any questions?**

It depends. Your benefits can end if DHHS has enough other information to show that you are not eligible. DHHS can also refer your case for criminal prosecution if they believe that you committed fraud. DHHS can try to collect any benefits that you have been overpaid without actually taking you to court. DHHS can do this whether you talk with them or not.

## 6. **What happens if I answer the fraud investigator's questions?**

Anything that you say can be used against you. Things that you say can be used to stop your benefits. Things that you say can also be used to bring criminal charges against you.

## 7. **What should I do?**

Think very carefully before you answer any questions! If you can, you should consult with a lawyer before you answer any questions. You may even want to have a trusted friend with you during any questioning to be a witness about what was said. However, that is not always possible.

If you feel comfortable talking to the fraud investigator, then only answer the exact question you are asked. Do not say anything more.

## 8. **Will I lose my TANF, Food Supplement, or MaineCare benefits?**

That depends. If you are sent a notice terminating your benefits you can ask for a Fair Hearing to dispute the termination. Keep in mind that anything you say at the Fair Hearing can be used in a criminal prosecution.

However, the Fair Hearing can be used to clear up facts. It can also be used to bring out facts that might prove that no overpayment or fraud occurred.

## 9. **How can I talk to a lawyer?**

You may get free legal help from Pine Tree Legal Assistance or Maine Equal Justice (contact information below). Please be aware that they cannot help if criminal charges are brought against you.

If you are charged with criminal fraud, depending on your income, you may be able to get a free, court appointed attorney. Ask the clerk of the court where you've been summoned to appear how to get a court appointed attorney.

### **Pine Tree Legal Assistance**

Augusta: (207) 622-4731, (207) 623-7777

Bangor: (207) 942-8241

Lewiston: (207) 784-1558

Machias: (207) 255-8656

Portland: (207) 774-8211

Presque Isle: (207) 764-4349

TTY (all locations): 711

\*Additional Pine Tree Legal Contact Info and Office Hours: [www.ptla.org/contact-us](http://www.ptla.org/contact-us)

### **Maine Equal Justice**

Statewide: 866-626-7059 or [info@mejp.org](mailto:info@mejp.org)