

Attachment #8

From: [Russell, David \(DHS\)](#)
To: [SNAP State Administration Branch - FNS](#)
Cc: [Kimichik, Alan \(DHS\)](#); [Woodard, Douglas \(DHS\)](#); [Silker, Kelly \(DHS\)](#)
Subject: Comments on FNS-366B - Program and Budget Summary Statement Part B - Program Activity Statement
Date: Friday, September 04, 2015 5:50:44 PM

RE: Federal Register Number: 2015-16476

Dear Ms. Duffield:

Michigan's Department of Health and Human Services – Office of Inspector General supports a unified reporting tool to provide for consistency and efficiency in measuring States' efforts in administering the SNAP program on behalf of USDA-Food and Nutrition Services. We believe that historically, the information collected in the FNS-366B was used by states to identify areas where efficiencies can be improved based on other states' outcomes. After review of the proposed revisions to the FNS-366B, we have concerns about our ability to collect some of the new data elements as they are not available, or outside of our control. We also have concerns on the calculated burden hours presented in the notice. The following comments and details are being submitted for consideration of the final rule:

- Sec. E (g) INVESTIGATION COSTS
 - Instructions do not clearly define what constitutes investigation costs, which can be wages and fringe benefits or expanded to include, transportation, equipment, etc.
- Sec. F (d) AVERAGE # OF DAYS FROM REFERRAL TO DISQUALIFICATION
 - The disqualification date is not contained in the same system as the investigation assignment date. This will be cumbersome to collect and will increase the burden hours beyond what was estimated.
- Sec. F (f) COST SAVINGS
 - Not all data requested for this calculation exists. Much would need to be fabricated using multiple variables to meet this requirement. The mechanism to complete this calculation is quite complex and would require a significant expansion of the case management system or other new system to produce a number, which accuracy cannot be guaranteed.
- Sec. F REFERRED INDIVIDUALS AWAITING SCHEDULING (g through i)
 - OIG's investigative case management system does not track this information. It would be difficult and burdensome to obtain this information from the state department that handles administrative hearings and incorporate back into our system for calculation.
 - It is uncertain what the full practical utility of this statistic is for program integrity efforts, which is what the FNS-366B traditionally collected.
- Sec. F (j) DECISIONS OVERDUE
 - OIG's case management system does not track this information. It would be difficult and burdensome to obtain this information from the state department that handles administrative hearings and incorporate back into our system for calculation.
- Sec. G (d) AVERAGE # OF DAYS FROM REFERRAL TO DISQUALIFICATION
 - The disqualification date is not contained in the same system as the investigation

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- Sec. G (f) COST SAVINGS
 - Not all data requested for this calculation exists. Much would need to be fabricated using multiple variables to meet this requirement. The mechanism to complete this calculation is quite complex and would require a significant expansion of the case management system or other new system to produce a number, which accuracy cannot be guaranteed.

We are also concerned that pre and post certification hours have been lumped together. These two types of investigations are uniquely different. Many states have invested resources into the pre-certification investigation arena to support a preemptive approach at fraud prevention/avoidance. Most of these investigations do not result in a court or administrative outcome, nor do they result in a disqualification, but bring value in the form of cost avoidance and public awareness of program integrity in SNAP. This information *had* a practical utility to the SNAP program. By merging these counts together, this dilutes the value of knowing the nationwide attention to each type of investigation.

Regarding the accuracy of the estimate of the burden hours According to the Reporting Burden Estimates in the federal register notice, the modified FNS-366B will take each agency either 35 hours (taken verbatim from text) to respond *or* 27 hours (7.3 responses per Respondent x 3.7 hours per response ~ 27). Regardless of these different numbers, with the new requirements for formulating a cost savings and requiring the inclusion of data that traditionally has not been owned by the department, it is expected that the burden hours will be significantly greater than what they were prior to this revision.

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