

2605.45.00 THEFT OF FUNDS

~~In the situation that~~ When a member, or their authorized representative, claims that ~~a POA or AR has misused their funds~~ the member's income or resources have been ~~has~~ stolen or misused resources, ~~then~~ it must be sent to PAL for review.

To avoid imposition of a transfer of property penalty when claiming stolen or misused funds, the following actions are required:

~~if +~~

- The member ~~has~~ must cooperated in the filing of an official police report detailing the alleged theft or misuse, and
- The member ~~must~~ is actively cooperate with law enforcement in the pursuing pursuit of charges against the alleged perpetrator.

In situations where the member claims their authorized representative, power of attorney, legal guardian or other legal representative has misused or stolen their income or resources, the member must cooperate in the required actions outlined above and must also:

- ~~has +~~Removed the accused POA/AR individual as their representative, and
- ~~has +~~Reported the accused representative to Adult Protective Services (APS). (~~if appropriate~~),

~~then a transfer of property penalty should not be invoked.~~ In all cases involving a claim of stolen or misused assets ~~this situation~~, documentation verifications verifying the member's active cooperation in all required actions must be requested and sent to PAL for reviewed.

If funds are returned or ~~if~~ restitution is paid to the member, then the resources should be reviewed to verify that the member meets the eligibility criteria.

If a member ~~claims states~~ that the theft or misuse of assets has occurred ~~and has not~~ but fails to cooperated ~~with any of~~ the requirements listed above, then a transfer of property penalty should be invoked.

In the event of the member's death, estate recovery will be pursued.