

ADMINISTRATIVE DISQUALIFICATION HEARINGS

Administrative Disqualification Hearings will be initiated by MDHS whenever there is sufficient evidence documented to substantiate that a household member has committed one or more acts of an Intentional Program Violation (“IPV”). The burden of proving an IPV is on the agency. If eligible, you may participate in the Supplemental Nutrition Assistance Program (SNAP) while the Administrative Disqualification Hearing is pending.

An IPV is when the client knowingly and intentionally:

1. Made a false or misleading statement, or misrepresented, concealed or withheld facts; or
2. Committed any act that constitutes a violation of the Food and Nutrition Act, the SNAP Regulations or any state statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking of coupons, authorization cards or reusable documents used as part of an automated benefit delivery system.

YOUR RIGHTS

You have the right to:

- refuse to answer any question during the hearing;
- present your own case or have someone present your case for you, such as a lawyer, friend, relative or community worker (if you would like to be represented by an attorney, but feel you cannot afford one, you may apply for free legal services by calling this toll free number 1-800-498-1804. Please note that MDHS will not be responsible for payment of any costs related to the legal counsel);
- ask to continue your hearing for up to 30 days if you feel you need more time to prepare your own case;
- review documents and records to be used at your hearing at a reasonable time before the hearing and during the hearing;
- receive a free copy of your file, (you should make arrangements with your case worker to review and/or obtain a copy of the file before the day of the hearing.) Confidential documents and information that are protected from release, as well as other documents or records which you will not have an opportunity to contest, will not be introduced at the hearing or affect the hearing officer’s decision;
- question or refute any evidence, including an opportunity to confront or cross-examine conflicting witnesses; and
- advance arguments without undue influence.

DISQUALIFICATION PENALTIES

If you have committed an IPV, you may be disqualified from receiving SNAP benefits for a specific period of time:

- 12 months for the first violation;
- 24 months for the second violation; and
- permanently for the third violation.

(Note you may also be disqualified permanently based on the IPV committed.)

AT THE HEARING

An impartial hearing officer from the Division of Administrative Hearings will hold the hearing telephonically, however, you must go to your local county MDHS office for the hearing to be conducted. The hearing officer will not call your house phone and/or cell phone. The client may request a face-to-face hearing, which will be conducted at the client’s local MDHS office.

During the hearing, you may testify, present witnesses, and ask questions of any witnesses for MDHS. You may also present any relevant evidence, such as records, receipts or other statements that will help explain your side of the case. You may also question or refute any conflicting testimony or evidence. If you do not want a witness to hear the testimony of others, you may ask the hearing officer to have the witness wait outside the hearing room during the hearing. If you fail to appear at your hearing, the hearing will be held without you.

REPAYMENT

You are required to repay any over-issuance of SNAP benefits you received, whether the over-issuance resulted from an IPV or an unintentional error made by MDHS or by you.

RIGHT TO JUDICIAL REVIEW

If you do not agree with the final administrative decision, you may appeal the hearing officer’s decision to a court with the appropriate jurisdiction.

THE DECISION

The hearing officer will make the final administrative decision on your case. You will receive a written order explaining the basis for the decision and if applicable, the period of time you will be disqualified from SNAP.

In accordance with Federal civil rights law and U.S. Department of Agriculture (“USDA”) civil rights regulations and policies, the USDA, its Agencies, offices, and employees and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027), found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410
2. fax: (202) 690-7442; or
3. email: program.intake@usda.gov.

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the State Information/Hotline Numbers (click the link for a listing of hotline numbers by State), found online at: http://www.fns.usda.gov/snap/contact_info/hotlines.htm.

To file a complaint of discrimination regarding a program receiving Federal financial assistance through the U.S. Department of Health and Human Services (HHS), write: HHS Director, Office for Civil Rights, Room 515-F, 200 Independence Avenue, S.W., Washington, D.C. 20201 or call (202) 619-0403 (voice) or (800) 537-7697 (TTY).

This institution is an equal opportunity provider.