1103.1 REQUIREMENTS

A. An Intentional Program Violation (IPV) occurs when the customer:

1. Makes false or misleading statements
   a. For the purpose of establishing or maintaining eligibility for cash assistance, or
   b. To increase the cash assistance amount, or
   c. Prevent a reduction in the cash assistance amount

2. Misrepresents, conceals, or withholds facts in an attempt to receive benefits to which they are not entitled

B. An IPV is established by:

1. An order of a court of competent jurisdiction;
2. Signing of a disqualification consent agreement by the household;
3. A decision of an administrative law judge of the Office of Administrative Hearings; or
4. Signing of a waiver of the right to a disqualification hearing

C. The local department must inform the household in writing of the penalties for an IPV each time the household applies for program benefits.

1103.2 INVESTIGATION PROCESS

A. Case managers receiving information alleging a customer in an active case committed suspected fraud:

1. Verify the information by phone or letter, when possible
2. Refer the case to the Office of the Inspector General (OIG) for an investigation

B. If the OIG’s office determines that an investigation is warranted and accepts the investigation, the investigator:

1. Reviews the case record for background information
2. Prepares a report on the completed investigation confirming or refuting the accusations and describing how the information was obtained
3. Determines whether to refer the case to the State’s Attorney's Office (SAO) or to the Office of Administrative Hearings (OAH) for an Administrative Disqualification Hearing (ADH)
   - If the SAO declines to prosecute the customer, the OIG will advise the LDSS to begin the administrative disqualification hearing process

4. May obtain a signed ADH waiver from the customer
   - The customer may admit to the violation by signing an ADH waiver at any time during the hearing process

5. Advises the local department of the result by report or letter

1103.3 DISQUALIFICATION PROCESS

A. The local department provides individuals suspected of fraud with a list of individuals or organizations providing free legal representation

B. If the local State’s attorney decides that a case does not warrant prosecution, the local department may refer that case to OAH for an administrative disqualification hearing.

C. If the local State’s attorney does not act on a referred case within a reasonable period of time, the local department may formally withdraw the referral and refer the case to OAH for an administrative disqualification hearing.
   - The Administrative Law Judge (ALJ) decides on the merits of the information provided in the hearing and renders a judgment binding on both parties.

D. The local department may refer an individual for an administrative disqualification hearing regardless of the customer’s current eligibility.

1103.4 ADH REFERRALS

A. The local department may not initiate an administrative disqualification hearing:
   1. Against an individual whose case is being referred by the State's attorney for prosecution; or
   2. After the State's attorney or a court of appropriate jurisdiction has taken any action against the individual in a case arising out of the same or related circumstances
   3. The customer waives the right to an ADH and, if so, the local department:
• Provides written notice to the customer of the effective date of disqualification, and

• Applies the disqualification penalty

**Note:** A customer, who disagrees with the repayment amount or method, may request a hearing. The hearing decision does not alter the disqualification penalty.

B. Prior to notifying the customer of the intent to make a referral to the Office of Administrative Hearings (OAH) for an ADH, the local department ensures that:

1. A supervisor or a designated person other than the case manager reviews the evidence against the customer

2. The evidence warrants scheduling an ADH

C. Include the following in the written advance notification to the customer of referral to the OAH:

1. A summary of the charge against the individual

2. The evidence supporting the charge

3. The name and telephone number of the local department contact person

4. Information on the ADH process

D. Send the information on the ADH process to the customer including the:

1. Option to waive the right to an ADH, and:
   a. The date by which the local department must receive the waiver (no more than 20 days after mailing the advance notification)
   b. A statement that the caretaker relative in the assistance unit must also sign the waiver, if the individual suspected of fraud is someone other than assistance unit’s caretaker relative
   c. A statement that the customer’s signature on the waiver will disqualify and reduce or terminate benefits for the assistance unit

2. Right to remain silent concerning the charge because anything the customer says or signs may be used in future administrative or judicial proceedings

3. Opportunity for the customer to admit to the facts presented by the local department

4. Statement that disqualified customers and any remaining adult members of the assistance unit are responsible for the repayment of any claim for
reimbursement of benefits to which they were not entitled due to the suspected fraud

E. If a signed waiver is not received from the customer within 20 days of the notification of intent to file for an ADH, the local department sends a referral to OAH that includes:

1. The identifying case information
2. A summary of the suspected fraud
3. A copy of the local department’s supporting documentation, including any previous:
   a. IPV disqualification
   b. Conviction in court of fraud involving cash assistance

### 1103.5 DISQUALIFICATION HEARINGS

A. When a customer requests a hearing the:

1. Local department sends the household a written summary of the evidence and how and where it can be examined
2. OAH sends the assistance unit, at least 30 days in advance, a written notice that a hearing is scheduled and makes the record available to the household or its representative at any reasonable time for inspection and duplication

B. Combine separate cash assistance ADH, Supplemental Nutrition Assistance Program (SNAP) ADH, or hearing for the SNAP or cash assistance into a single hearing if the:

1. Disputed facts arise from the same set of circumstances, and
2. Assistance unit receives prior notice that the hearings will be combined

C. When the hearings are combined, the:

1. OAH follows the time frames for conducting a cash assistance disqualification hearing
2. Assistance unit loses its right to a subsequent hearing on the amount of the claim
3. OAH, at the assistance unit’s request, waives the 30-day advance notice period

D. The customer may request one postponement of the scheduled hearing if the:
1. Request is made before the date and time of the hearing
2. Hearing is not postponed more than 30 days

E. Within 90 days of sending notification of the date and time of the ADH, the OAH:
   1. Conducts the hearing
   2. Reaches a decision, and
   3. Notifies the customer and the local department of the decision and of the right to judicial review

**Note:** If the hearing is postponed, the 90 days is extended for as many days as the postponement.

F. When an administrative law judge finds that the customer committed an IPV, the local department provides written notice of the effective disqualification date to the assistance unit before imposing the sanction

### 1103.6 IPV DISQUALIFICATIONS

A. The local department, except if the disqualification hearing is pending, reduces or terminates the assistance unit’s benefit if all of the following are met:
   1. The documentation supports the action
   2. The assistance unit did not request a hearing
   3. Benefits continued after receipt of the notice of termination or an IPV occurred prior to closing the case for other reasons

B. The IPV disqualification period begins the first month after the month in which the customer receives written notice of disqualification
   1. Disqualifications are imposed on both active and closed cases
   2. Once imposed, the disqualification period continues uninterrupted until the benefit is fully repaid or the time period is completed, whichever comes first (the amount of fraudulently received benefits must still be repaid if there is an outstanding debt when the disqualification period ends)
   3. When an assistance unit has been disqualified, the local department sends a demand letter advising the household of the:
      a. Amount owed
b. Reason for the claim

c. Period of time the claim covers

d. Ways to reduce the claim amount

e. Ways in which the claim can be paid

g. Right to a hearing if the customer disagrees with the amount of the claim unless a hearing has already been held under an Intentional Program Violation Disqualification Hearing Right to renegotiate any repayment schedule if the assistance unit’s economic circumstances change

h. Necessity to return the signed repayment notice within 30 days indicating an agreement to make restitution and the chosen method of payment

C. If a court convicted an individual of an IPV or a waiver of the right to an administrative disqualification hearing was signed on or after October 1, 1996, the entire household is ineligible for TCA for the following periods of time:

1. 6 months after the first finding of fraud

2. 12 months after the second finding of fraud

3. Permanently after the third finding of fraud

4. The length of 1 and 2 above can be shortened by fully repaying the fraudulently received TCA benefits

D. If an individual signed the waiver of the right to an administrative disqualification hearing or was convicted in a court of law after October 1, 1996, for an IPV and the fraudulent act occurred prior to October 1, 1996, an individual sanction is imposed as follows:

1. 6 months after the first finding of fraud

2. 12 months after the second finding of fraud

3. Permanently after the third finding of fraud

The length of the penalty (numbers 1 and 2 above) cannot be shortened by paying back the fraudulently received benefits.

Effective 2016, the penalties for being found guilty of an IPV or signing the waiver of an administrative disqualification in the TCA program follow the penalties in the Supplemental Nutrition Assistance Program.

1. 12 months for the first finding of fraud.
2. 24 months for the second and
3. Permanently for the third.

Addendum to Manual Section

Steps in the IPV Process

A. Definition of intentional Program violation (IPV).

IPV’s apply to SNAP (FS), Temporary Cash Assistance (TCA), Child Care Subsidy (CCS), Temporary Disability Assistance Program (TDAP), and Public Assistance to Adults (PAA). This document covers TCA only.

Intentional Program violations occur when a customer 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 SNAP Act, the SNAP Program Regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of benefits, authorization cards or reusable documents used as part of an automated benefit delivery system (access device).

3. Trafficking means:
   a. The buying, selling, stealing, or otherwise affecting an exchange of Temporary Cash Assistance (TCA) Supplemental Nutrition Assistance Program (SNAP) benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;
   b. The exchange of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of title 21, United States Code, for SNAP (SNAP) benefits and cash assistance.;
   c. Purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;
   d. Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and
subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or

e. Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food.

f. Attempting to buy, sell, steal, or otherwise affect an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signatures, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone.

B. IPV hearings establish a disqualification against a customer who has applied for or received benefits the household was not eligible for because the customer willingly and knowingly provided incorrect or false information to make the household eligible for benefits.

C. The procedures for determining and imposing disqualifications are the same for all programs, but the penalties are different.

1. TCA follows the same guidelines as SNAP benefits, although, there are no federal regulations or laws for TCA or Temporary Disability Assistance Program (TDAP) IPVs.

2. TCA, TDAP, and PAA IPV determinations are supported in COMAR.

D. **Disqualification penalties.**

1. Individuals found to have committed an IPV either through an administrative disqualification hearing (ADH) or by a Federal, State or local court, or individuals who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement (DCA) in cases referred for prosecution, are ineligible to participate in the Program:

   a. For SNAP and TCA for a period of:

      1.) twelve months for the first IPV,
      2.) twenty-four months for the second IPV
      3.) Permanently for the third occasion IPV

   b. Individuals found by a Federal, State or local court to have used or received benefits in a transaction involving the sale of a controlled substance (as
defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) are ineligible to participate in the Program:

1.) For a period of twenty-four months upon the first occasion of such violation; and
   • Permanently upon the second occasion of such violation.

2.) Individuals found by a Federal, State, or local court to have used or received benefits in a transaction involving the sale of firearms, ammunition, or explosives shall be permanently ineligible to participate in the Program upon the first occasion of such violation.

3.) An individual convicted by a Federal, State, or local court of having trafficked benefits for an aggregate amount of $500 or more shall be permanently ineligible to participate upon the first occasion of such violation.

4.) An individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple benefits simultaneously shall be ineligible to participate for a period of 10 years.

5.) If a court fails to impose a disqualification or a disqualification period for any intentional Program violation, the LDSS shall impose the appropriate disqualification penalty it is contrary to the court order.

6.) For SNAP benefits, one or more IPVs which occurred prior to April 1, 1983, shall be considered as only one previous disqualification when determining the appropriate penalty to impose in a case under consideration.
   • Regardless of when an action taken by an individual which caused an intentional Program violation occurred, the disqualification periods shall apply to any case in which the court makes the requisite finding on or after September 1, 1994.

7.) Disqualify only the individual found to have committed the IPV, or who signed the waiver of the right to an administrative disqualification hearing or disqualification consent agreement in cases referred for prosecution, and not the entire household.
   • Even though only the individual is disqualified, the household is responsible for making restitution for the amount of any overpayment.
8.) The individual must be notified in writing once it is determined that he/she is to be disqualified.

9.) The disqualification period shall begin no later than the second month, which follows the date the individual receives written notice of the disqualification.

10.) The disqualification period must continue uninterrupted until completed regardless of the eligibility of the disqualified individual's household.

E. Notification to applicants upon applying for assistance

1. Households must be advised in writing of the disqualification penalties for intentional program violations each time they apply for assistance.
2. The penalties shall be in clear, prominent, and boldface lettering on the application form.
3. IPV penalties are listed on the customer rights and responsibilities section of all applications.

F. Disqualification hearings.

1. Each individual accused of an IPV must be referred for an administrative disqualification hearing following the guidelines in this section.

2. Prior to sending the Advance Notice Of Disqualification, someone other than the case manager or other individual responsible for establishing the LDSS’s IPV file, must review the evidence and the file and determine that the evidence is sufficient and appropriate to refer to:
   a. The OIG for further investigation; or
   b. An administrative disqualification hearing; or
   c. Offer the customer a waiver of the Administrative Disqualification Hearing
   d. The State’s Attorney’s Office(SAO) for criminal prosecution

3. Local Departments may combine a fair hearing and an administrative disqualification hearing into a single hearing if the factual issues arise out of the same, or related circumstances and the household receives prior notice that hearings will be combined.
   a. If the hearings are combined, the LDSS shall follow the timeframes for conducting disqualification hearings.
b. If the hearings are combined for the purpose of settling the amount of the overpayment claim at the same time as determining whether or not an intentional Program violation has occurred, the household shall lose its right to a subsequent fair hearing on the amount of the claim.

c. The LDSS shall upon household request, allow the household to waive the 30-day advance notice period when the disqualification hearing and fair hearing are combined.

G. Disqualification hearing procedures

1. At the ADH the Administrative Law Judge (ALJ) shall advise the household member or representative that they may refuse to answer questions during the hearing.
   - Anything said or written by the household can be used in additional federal or state prosecutions.

2. Within 90 days of the date the household member is notified in writing that a hearing has been initiated by the LDSS, the Office of Administrative Hearings (OAH) shall:
   a. Schedule the IPV hearing
   b. Notify the customer and the LDSS
   c. Conduct the hearing,
   d. Arrive at a decision, and
   e. Notify the household member and the LDSS of the decision.

3. Once the ALJ provides his or her decision, the LDSS must send the customer a letter advising of the ALJ’s decision.
   - The 90-day clock stops when the LDSS sends the customer letter advising of the ALJ’s decision when the penalty will be imposed, length of the penalty, and any repayment to be made.

4. The household member or representative is entitled to a postponement of the scheduled hearing, provided that the request for postponement is made at least 10 days in advance of the date of the scheduled hearing.
   - However, the hearing shall not be postponed for more than a total of 30 days and the OAH may limit the number of postponements to one.
   - If the hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

H. Advance Notice of IPV Hearing.
I. The **LDSS must** provide written notice to an individual suspected of committing an IPV **at least 30 days** in advance of the date a disqualification hearing has been scheduled.

1. The notice **shall be** sent either first class mail or certified mail return receipt requested.
2. The notice may also be provided by any other reliable method. If the notice is sent using first class mail and is returned as undeliverable, the hearing may still be held.
3. If no proof of receipt is obtained, the ALJ may establish that good cause existed for not appearing at the hearing.
   - OAH establishes the circumstances in which non-receipt constitutes good cause for failure to appear.

J. At a minimum, the **Advance Notice of IPV** must contain:

1. The date, time, and place of the hearing;
2. The charge(s) against the individual;
3. A summary of the evidence, and how and where the evidence can be examined;
4. A warning that if the household fails to appear the decision will be based solely on information provided by the LDSS;
5. Upon receipt of the notice, the individual or his or her representative has 10 days from the date of the scheduled hearing to present good cause for failure to appear to receive a new hearing;
6. A warning that a determination of intentional program violation will result in disqualification for specific periods and a statement of which penalty the LDSS believes is applicable to the case scheduled for a hearing;
7. A listing of the individual's rights as specified in 7cfr **273.15(p)**;
8. A statement that the hearing does not preclude the State or Federal government from prosecuting the individual for the intentional program violation in a civil or criminal court action, or from collecting any overpayments.
9. A statement of the accused individual's right to remain silent concerning the charge(s), and that anything said or written by the individual concerning the charge(s) can be used against him/her in a court of law; and

10. If there is an individual or organization available that provides free legal representation, the notice shall advise the affected individual of the availability of the service.

11. A copy of OAH's published hearing procedures shall be attached to the 30-day advance notice or the advance notice shall inform the individual of his/her right to obtain a copy of the published hearing procedures upon request.

K. Scheduling an Administrative Disqualification Hearing.

1. An administrative Disqualification Hearing (ADH) is not the same as a Fair Hearing and the procedures and time requirements should not be confused.

2. The hearing location and time of the hearing must be accessible to the household member suspected of the intentional program violation.

3. If the household member or its representative cannot be located or fails to appear at a hearing without good cause, the hearing may be conducted without the household member being represented.

4. Even though the household member is not present or represented at a hearing, the ALJ is still required to carefully consider the evidence and determine if an intentional Program violation was committed based on clear and convincing evidence.

5. If the household member is found to have committed an IPV, but the ALJ later determines that the household member or representative had good cause for not appearing, the previous decision is no longer valid and OAH shall conduct a new hearing.

- The ALJ who originally ruled on the case may conduct the new hearing.
- In instances where good cause for failure to appear is based upon a showing of non-receipt of the hearing notice section, the household member has 30 days after the date of the written notice of the hearing decision to claim good cause for failure to appear.
- In all other instances, the household member has 10 days from the date of the scheduled hearing to present reasons indicating a good cause for failure to appear.
- The ALJ must enter the good cause decision into the record.
L. Participation while awaiting a hearing.

1. A pending disqualification hearing shall not affect the individual's or the household's right to be certified and participate in the Program.

2. The LDSS cannot disqualify a household member for an IPV until a finding by an administrative disqualification hearing,

3. The LDSS shall determine the eligibility and benefit level of the household, in the same manner, it would be determined for any other household.

   a. For example, if the misstatement or action for which the household member is suspected of IPV does not affect the household's current circumstances, the household would continue to receive its allotment based on the latest certification action or be recertified based on a new application and its current circumstances.

   b. However, the household's benefits must be terminated if the certification period has expired and the household, after receiving its notice of expiration, fails to reapply.

   c. The LDSS shall also reduce or terminate the household's benefits if the LDSS has documentation which substantiates that the household is ineligible or eligible for fewer benefits (even if these facts led to the suspicion of intentional program violation and the resulting disqualification hearing) and the household fails to request a fair hearing and continuation of benefits pending the hearing.

For example, the LDSS has facts which substantiate that a household failed to report a change in its circumstances even though the LDSS has not yet demonstrated that the failure to report involved an intentional act of Program violation

M. Criteria for determining intentional Program violation.

- The OAH shall base the determination of IPV on clear and convincing evidence which demonstrates that the household member(s) committed, and intended to commit an IPV.

Example: A customer failed to report earnings on her application, but the case manager found the wage information on “The Work Number” showing the customer had been employed for 6 months.
N. ALJ’s Decision format.

- The Administrative Law Judge’s decision shall specify:
  - the reasons for the decision,
  - identify the supporting evidence,
  - identify the pertinent regulation, and
  - respond to reasoned arguments made by the household member or representative.

O. Imposition of disqualification penalties.

1. If the ALJ rules that the individual has committed an IPV, the household member must be disqualified in accordance with the appropriate disqualification period.
   a. The period of disqualification must begin with the first month, which follows the date the household member receives written notification of the disqualification.
   b. However, if the act of intentional Program violation which led to the disqualification occurred prior to the written notification of the disqualification periods, the household member must be disqualified in accordance with the disqualification periods in effect at the time of the offense.
   c. The same act of IPV repeated over a period of time must not be separated so that separate penalties can be imposed.

   Example: Customer received duplicated benefits for 12 months in 2 states. That is one instance of an IPV, not 12 separate instances.

2. No further administrative appeal procedure exists after an adverse OAH hearing. The determination of IPV made by an ALJ cannot be reversed by a subsequent Fair hearing decision.
   - The household member, however, is entitled to appeal to a court having appropriate jurisdiction.
   - The period of disqualification may be subject to stay by the Court of appropriate jurisdiction legal remedy.

3. Once a disqualification penalty has been imposed against a currently participating household member, the period of disqualification must continue uninterrupted until completed regardless of the eligibility of the disqualified member's household.

4. The disqualified member's household must continue to be responsible for repayment of any overissuances, which resulted from the disqualified member's IPV regardless of its eligibility for program benefits.
P. LDSS Responsibility to Notify Household of ADH Decision.

1. If the ALJ finds that the household member did not commit an IPV, the LDSS must provide a written notice, which informs the household member of the decision.

2. If the ALJ finds that the household member committed an IPV, the LDSS must provide written notice to the disqualified household member prior to disqualification.
   a. The notice shall inform:
      • the household member of the decision and the reason for the decision.
      • the date the disqualification will take effect.
      • the end date of the disqualification
   b. If the individual is no longer participating, the notice must inform the individual that the period of disqualification will be deferred until such time as the individual again applies for and is determined eligible for Program benefits.

3. The LDSS must also provide written notice to the remaining household members, if any, of the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired.

4. The household must also be sent a written demand letter for restitution (Notice 18)

Q. Administrative Disqualification Hearings.

1. The LDSS may choose to provide an ADH at the LDSS office in some or all of its offices with a right to appeal to a court of appropriate jurisdiction.

2. If an ADH determines that a household member committed an IPV, the notification of hearing decision must also inform the household member of the:
   a. right to appeal the decision within 15 days after the receipt of the notice,
   b. the date the disqualification will take effect
   c. that benefits will be continued pending a Court appeal if the household is otherwise eligible.
   d. When an OAH decision is appealed, the Court must conduct the hearing, arrive at a decision, and notify the household member and local agency of
the decision within 60 days of the date the household member appealed its case.

- Only the evidence of the case and not the prior decision may be taken into consideration by the Court in making the final determination.

R. ADH Waiver

1. The LDSS must advise the accused individual in writing that he or she has the right to waive an administrative disqualification hearing.

2. Prior to providing the written notification to the household member, the LDSS must:
   - Ensure that the evidence against the household member is reviewed by someone other than the case manager assigned to the accused individual’s household, and
   - A decision is made that the evidence warrants scheduling a disqualification hearing and offering the customer a waiver of the ADH.

3. The written notification provided to the household member which informs him/her of the possibility of waiving the administrative disqualification hearing shall include, at a minimum:
   a. The date that the signed waiver must be received by to avoid the holding of a hearing, and
   b. A signature block for the accused individual, along with a statement that the head of household must also sign the waiver if the accused individual is not the head of household, with an appropriately designated signature block;
   c. A statement of the accused individual’s right to remain silent concerning the charge(s), and that anything said, written or signed by the individual concerning the charge(s) can be used against him/her in a court of law;
   d. The fact that a waiver of the disqualification hearing will result in disqualification and a reduction in benefits for the period of disqualification, even if the accused individual does not admit to the facts as presented by the LDSS;
   e. An opportunity for the accused individual to specify whether or not he/she admits to the facts as presented.
This opportunity shall consist of the following statements, or statements and a method for the individual to designate his/her choice:

i. “I admit to the facts as presented, and understand that a disqualification penalty will be imposed if I sign this waiver”; and

ii. “I do not admit that the facts as presented are correct. However, I have chosen to sign this waiver and understand that a disqualification penalty will result”

iii. The telephone number and, if possible, the name of the person to contact for additional information;

iv. The fact that the remaining household members, if any, will be held responsible for repayment of the resulting claim.

S. Deferred Adjudication and Disqualification Consent Agreements

1. A deferred adjudication may occur as a form of a plea deal available in various jurisdictions, where a defendant pleads "guilty" or "No Contest" to criminal charges in exchange for certain requirements by the Court within an allotted period of time also ordered by the Court". It may also be offered at the discretion of the judge.

2. A Disqualification Consent Agreement (DCA) should be offered to a customer who may still be found guilty of an IPV after the deferred adjudication.

3. The Office of the Inspector General (OIG) entered into an agreement with the State's Attorney General's Office or, where necessary, with county prosecutors which provides for advance written notification to the household member of the consequences of consenting to disqualification in cases of deferred adjudication.

4. The written notification provided to the household member which informs him/her of the consequences of consenting to disqualification as a part of deferred adjudication must include, at a minimum:

a. A statement for the accused individual to sign:

   • that the accused individual understands the consequences of consenting to disqualification,

b. Along with a statement that the head of household must also sign the consent agreement if the accused individual is not the head of household, with an appropriately designated signature block.
c. A statement that consenting to disqualification will result in disqualification and a reduction in benefits for the period of disqualification, even though the accused individual was not found guilty of civil or criminal misrepresentation or fraud.

d. A warning that the disqualification periods for intentional Program violations under the Supplemental Nutrition Assistance Program are as previously specified and a statement of which penalty will be imposed as a result of the accused individual having consented to disqualification.

e. A statement of the fact that the remaining household members, if any, will be held responsible for repayment of the resulting claim unless the accused individual has already repaid the claim as a result of meeting the terms of the agreement with the prosecutor or the Court order.

f. The OIG developed a DCA and language to be included in the agreements reached between the prosecutors and accused individuals or in the court orders, which contains the information required by this section for notifying a household member suspected of intentional Program violation of the consequences of signing a disqualification consent agreement.

5. If the household member suspected of intentional Program violation signs the DCA, the household member must be disqualified in accordance with the disqualification periods, unless contrary to the Court order.

- **The period of disqualification shall begin within 45 days of the date the household member signed the DCA.** However, if the court imposes a disqualification period or specifies the date for initiating the disqualification period, the LDSS must disqualify the household member in accordance with the Court order.

6. Once a disqualification penalty has been imposed against a currently participating household member, the period of disqualification must continue uninterrupted until completed regardless of the eligibility of the disqualified member's household.

7. However, the disqualified member's household must continue to be responsible for repayment of the overissuance which resulted from the disqualified member's intentional program violation regardless of its eligibility for Program benefits.
T. Notification of disqualification

1. If the household member suspected of intentional Program violation signs the DCA, the LDSS must provide written notice to the household member.
2. The notice must be provided prior to disqualification, whenever possible.
3. The notice must inform the household member of the disqualification and the date the disqualification will take effect.
4. The LDSS must also provide written notice to the remaining household members, if any, of the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired.
5. The LDSS must provide a written demand letter for restitution (Notice 18)

U. Reversed disqualifications

1. In cases where the determination of IPV is reversed by a court of appropriate jurisdiction, the LDSS must reinstate the individual in the program if the household is eligible.

2. The LDSS shall restore benefits that were lost as a result of the disqualification