

Information Concerning an Administrative Disqualification Hearing

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Administrative Disqualification Hearing

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What is an Administrative Disqualification Hearing?

A formal meeting held to determine whether you have intentionally violated the rules of the Supplemental Nutrition Assistance Program (SNAP, formerly Food Stamps), the Family Independence Temporary Assistance Program (FITAP, formerly AFDC), or the Kinship Care Subsidy Program (KCSP). You will be given at least a 30 day advance notice of the hearing.

What is the Purpose of the Administrative Disqualification Hearing?

The hearing is held to give you an opportunity to present testimony and/or evidence to dispute the agency's allegation that you have intentionally violated program rules.

Who Can Help Me Prepare for an Administrative Disqualification Hearing?

Any representative you choose or your Department of Children and Family Services (DCFS) worker can help you prepare for the hearing.

Who Will Hear the Case?

The hearing is conducted by an Administrative Law Judge who was not involved in the decision made on your case. The Administrative Law Judge is not an employee of DCFS.

Will I Have to Take an Oath to Tell the Truth?

Yes. Everyone testifying at the hearing will be under oath.

Will I Need a Lawyer?

No. You may represent yourself or have anyone you choose represent you.

If you want a lawyer, DCFS will provide information on free legal advice if it is available. DCFS cannot pay any legal fees for you.

What Happens If I Don't Want a Hearing and Agree to be Disqualified?

You may waive your right to the Administrative Disqualification Hearing by signing and returning a "Waiver of Disqualification Hearing" form. This form must be returned to the DCFS Bureau of Appeals prior to the date of the hearing in order for the hearing to be dismissed.

Do I Have to Attend the Hearing?

No. The hearing will be held regardless of whether or not you attend, unless a postponement has been granted.

Who Must Attend the Hearing?

A representative of the local DCFS office and any witnesses who will testify.

What are My Rights?

You may:

- look at the evidence that will be used at the hearing both before and during the hearing.
- present your own case or have someone present your case.
- request a delay of your hearing for up to 30 days if you need more time to prepare your case. You must make this request at least 10 days prior to the date of the hearing.
- bring your own witnesses.
- present your case freely.
- question any evidence or statements made against you.
- submit any evidence you have that would support your case.
- remain silent concerning the charge(s). Anything you say or sign may be used against you in a court of law.

How Soon Will I Know the Outcome of the Hearing?

It may take up to 90 days after the date of notification of the scheduled hearing.

What Happens if I Lose My Case?

If you are found guilty of Intentional Program Violation in FITAP for offenses beginning 7/92, in KCSP for offenses beginning 02/00 and in SNAP for offenses that occurred from 6/83 through 9/96, you will be ineligible to participate for:

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

For SNAP, if the offenses occurred 10/96 or thereafter, you will be ineligible to participate for:

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

Other SNAP penalties are applicable to specific violations. If you are disqualified, the other members of your household may remain eligible.

Is There Anything Else I Can Do?

This is the final decision of the Department of Children and Family Services. If you want to take further action, you may request a judicial review within 15 days of the hearing decision.