



## **ADMINISTRATIVE PROCEDURE**

### 273.16 (e)(3).Advance Notice of Hearing

- (i) Written notice at least 30 days prior to scheduled AD Hearing
- (iii) Containing at a minimum:
  - (A) Date, time and place of hearing (if scheduled)
  - (B) Charges
  - (C) Summary of evidence
  - (D) Warning that decision will be based on state evidence only if individual fails to appear
  - (E) Individual has 10 days from date of scheduled hearing to present good cause for failing to appear
  - (F) Warning that a determination of IPV will result in the penalties prescribed by FSP regs and the applicable penalty for this case
  - (G) A listing of rights per 273.15 (p) (fair hearings...see below)
  - (H) Statement that the hearing does not preclude the state or Fed Govt from prosecution in civil or criminal court.
  - (I) Advise the individual of the availability of free legal representation (if any)
- (iv) Attach a copy of the State agency's published hearing procedures or information on how to obtain them.

In Addition, from 273.15 (p)... the individual or its representative must be given adequate opportunity to:

- (1) Examine all documents and records to be used at the hearing at a reasonable time before the hearing. Includes contents of case file as application and documents verifying eligibility or ineligibility.
- (2) Present case or have it presented by legal counsel or other person.
- (3) Bring witnesses
- (4) Advance arguments without undue interference
- (5) Question or refute testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.
- (6) Submit evidence to establish all pertinent facts and circumstances.

The Administrative Disqualification Hearing Waiver process, 273.16(f)(1) requires IN ADDITION to the above;

- (i) Case must be reviewed and a determination made by someone other than the EW that the evidence warrants a hearing prior to providing written notice to the individual.
- (ii) Notice shall include at a minimum:
  - (A) Date the signed waiver must be received by the state and that the head of household must also sign if the accused is not the head of household.
  - (B) The accused individual's right to remain silent and that anything said or signed may be used against him/her in a court of law
  - (C) The fact that the waiver will result in a DQ and reduction in benefits.
  - (D) An opportunity for the accused to specify whether he/she admits to the facts as presented by the state. (1) I admit; (2) I don't admit but have chosen to sign and understand that a DQ penalty will result.
  - (E) Telephone number and, if possible, name of the individual to contact for further information
  - (F) Fact that the remaining household members will be responsible for repayment of the claim