

.06 IPV - Administrative Disqualification Appeal - Appeal Decision

The Appeals Officer makes the appeal decision based on clear and convincing evidence of whether or not the participant committed an [Intentional Program Violation](#) (IPV). The burden of proof rests with FAA.

The Appeals Officer's decision on the case is based exclusively on the appeal record and complies with federal law and regulation.

The Appeals Officer issues a decision to indicate the following:

- Specify the reasons for the decision.
- Identify supporting evidence.
- Identify pertinent regulations.
- Respond to reasons and arguments made by the participant or representative.

When the Appeals Officer finds that the participant DID NOT commit an IPV, a written notice is sent from the Appellate Services Administration (ASA) to inform the participant of the decision.

NOTE The Office of Accounts Receivable and Collections (OARC) destroys the recalculated overpayment.

When the Appeals Officer finds that the participant did commit an IPV, OARC completes the following:

- Sends the participant a written disqualification notice.
- Sends a copy of the recalculated overpayment to the Collections Unit and the appropriate local office.