

C IPV - Administrative Disqualification Appeals Waiver

Participants suspected of an [Intentional Program Violation](#) (IPV) are allowed to waive their rights to an administrative disqualification appeal. The Office of Accounts Receivable and Collections (OARC) reviews the evidence to determine when an [administrative disqualification appeal](#) is warranted in the following cases:

- All CA cases, active or inactive
- Only active NA cases

When the evidence warrants a disqualification appeal, OARC must complete the following:

- Send the appropriate notice to the PI unless the case has been referred to OSI for possible prosecution. The notices are the following:

For CA, the Notice for Repayment of a CA Overpayment (FA-753)

For NA, the Notice for Repayment of a Food Stamp Overpayment (FA-755)

NOTE OARC allows the household the opportunity to appeal the overpayment determination before taking any further action.

- Send the [Waiver of the Right to an Administrative Disqualification Appeal](#) (OAR5 for CA and OARC1 for NA) form to the household for cases to be referred for an administrative [disqualification appeal](#).

The notice informs the participant of the possibility of waiving their rights to an administrative disqualification appeal.

The OAR5 and OARC1 forms also include the following:

- A statement of the following:

The suspected participant's right to remain silent concerning the charges.

That anything said or signed by the participant concerning the charges can be used against them in a court of law.

The fact that waiver of the participant's right to appear at a disqualification appeal results in the following even when the participant does not admit to the facts as presented:

- [Disqualification penalties](#)
- A reduction in benefits for the period of the disqualification
- A signature block for the suspected participant and an additional signature block for the appropriate participant as follows:

For CA, the specified relative when the suspected participant is not the specified relative.

For NA, the PI when the suspected participant is not the PI of the household
- Notice that the suspected participant has ten days from the date of the notice to sign and return the CA or NA Waiver of the Right to an Administrative Disqualification Appeal form.
- The [telephone number of OARC](#)
- The fact that the remaining household participants, when applicable, will be held responsible for the repayment of the resulting overpayment.
- An opportunity for the suspected participant to specify whether or not they admit to the facts as presented. The suspected participant has the following choices when they sign the waiver:

"I admit to the allegations as presented and understand that a disqualification penalty will be imposed if I sign this waiver."

"I do not admit that the allegations presented are correct. However, I have chosen to sign this waiver to avoid an administrative disqualification appeal and I understand that a disqualification penalty will result."

For CA, "I do not admit that I committed an intentional program violation and I want a appeal so that I can talk to the judge about what happened."

For NA, "I do not admit that I committed an intentional program violation and I want an appeal so that I can talk to the judge about what happened. I understand that at my appeal I can

present additional evidence to the judge if I want. I understand that the judge will decide if I will be disqualified. If the judge decides that I committed the intentional program violation, I will be disqualified from the NA program for twelve or 24 months."

When the suspected participant signs the CA or NA Waiver of the Right to an Administrative Disqualification Appeal form received by the specified date, the participant is disqualified. OARC notifies the local office of the [disqualification penalties](#).

No further administrative appeal procedures exist after the participant waives the right to an administrative disqualification appeal and a disqualification penalty has been imposed.

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