

.03 IPV - Administrative Disqualification Appeal - Notification and Scheduling

The Appellate Services Administration (ASA) sends a notice of the administrative [disqualification appeal](#) to the participant charged with the [Intentional Program Violation](#) (IPV) when the appeal is scheduled.

A copy is sent to the PI when the PI is not the participant being charged.

The notice may be mailed first class mail, or certified mail (return receipt requested), or delivered by any other reliable method. It must be received at least 30 calendar days in advance of the scheduled appeal date. Include the following in the notice:

- Date, time and place of the appeal. Make efforts to schedule an administrative disqualification appeal at a time and place convenient to the participant.
- Charges against the participant.
- Evidence and information about how and where the evidence may be examined.
- The participant's failure to appear without good cause will result in a decision by the Appeals Officer based only on the information provided by FAA at the appeal.
- The participant may request a postponement of the appeal provided the request is made to FAA at least ten days in advance of the appeal date.
- The participant or representative has ten days from the date of the appeal to present evidence of good cause for failure to appear in order to receive a new appeal time.
- The penalties that may result from a determination that the participant has committed an IPV and the penalty applicable to the participant.
- The appeal does not preclude FAA from prosecuting in a civil or criminal court or from collecting the overpayment.
- The household may call the local office to obtain the name and telephone number of individuals or organizations who can provide free legal advice.
- The participant may waive their right to appear at an administrative disqualification appeal. (See [Waiver of IPV appeal](#))

- The participant's right to remain silent concerning the charges and that anything said or signed by them may be used against them in a court of law.
- A copy of FAA's appeal procedures attached to the 30-day advance notice.

ARCHIVED (Valid until 02/01/20)