



MISSOURI DEPARTMENT OF SOCIAL SERVICES
FAMILY SUPPORT DIVISION

**ADVANCE NOTICE OF YOUR
ADMINISTRATIVE DISQUALIFICATION HEARING**

| |
|------|
| DATE |
|------|

| | |
|-------------------------|----------------------|
| NAME (ALLEGED VIOLATOR) | DCN ALLEGED VIOLATOR |
|-------------------------|----------------------|

| | |
|-----------------------------|--|
| ADDRESS (NUMBER AND STREET) | NAME HEAD OF ELIGIBILITY UNIT (IF DIFFERENT THAN ALLEGED VIOLATOR) |
|-----------------------------|--|

| | | | | |
|------|-------|-----|----------------|---------------------------|
| CITY | STATE | ZIP | DCN HEAD OF EU | FOOD STAMP CONTROL NUMBER |
|------|-------|-----|----------------|---------------------------|

WE HAVE REASON TO BELIEVE YOU HAVE INTENTIONALLY VIOLATED A PROGRAM RULE AS FOLLOWS (CONTINUE ON REVERSE IF NECESSARY)

WE HAVE THE FOLLOWING EVIDENCE TO SUPPORT OUR CASE AGAINST YOU (CONTINUE ON REVERSE IF NECESSARY)

YOU OR YOUR REPRESENTATIVE MAY LOOK AT THIS EVIDENCE AT ►

A HEARING HAS BEEN SCHEDULED TO EXAMINE THE FACTS OF YOUR CASE. THE HEARING WILL BE HELD AT:

| | | |
|------|------|-------|
| TIME | DATE | PLACE |
|------|------|-------|

| | |
|-----------------|-------------------|
| HEARING OFFICER | OFFICER PHONE NO. |
|-----------------|-------------------|

IF YOU ARE FOUND TO HAVE INTENTIONALLY VIOLATED A PROGRAM RULE, YOU WILL BE DISQUALIFIED FROM THE PROGRAM AND NOT GET FOOD STAMPS:

- FOR THREE MONTHS BECAUSE IT IS YOUR FIRST VIOLATION (DECISION TO BE REACHED IN ADMINISTRATIVE HEARING AND ALLEGED VIOLATION OCCURRED PRIOR TO 6/1/83).
- FOR 6 MONTHS BECAUSE IT IS YOUR FIRST VIOLATION PRIOR TO 8/22/96.
- FOR 12 MONTHS BECAUSE IT IS YOUR SECOND VIOLATION PRIOR TO 8/22/96 OR FIRST AFTER 8/22/96.
- FOR 24 MONTHS BECAUSE IT IS YOUR SECOND VIOLATION AFTER 8/22/96.
- FOR 24 MONTHS BECAUSE IT IS YOUR FIRST VIOLATION FOR USING YOUR FOOD STAMP BENEFITS TO PURCHASE A CONTROLLED SUBSTANCE.
- FOR 10 YEARS BECAUSE YOU MISREPRESENTED YOUR IDENTITY OR RESIDENCE TO OBTAIN FOOD STAMP BENEFITS IN MORE THAN ONE LOCATION AT THE SAME TIME.
- PERMANENTLY BECAUSE IT IS YOUR SECOND VIOLATION FOR USING YOUR FOOD STAMP BENEFITS TO PURCHASE A CONTROLLED SUBSTANCE.
- PERMANENTLY BECAUSE OF TRAFFICKING IN FOOD STAMP BENEFITS OF \$500 OR MORE.
- PERMANENTLY BECAUSE IT IS YOUR THIRD VIOLATION.

It is important that you or your representative be at the hearing; otherwise a decision will be based solely on information provided by the food stamp office. You must contact the Hearing Officer at least 10 days before the hearing date, if you have a good reason why you or your representative cannot be at the hearing, in order to receive a postponement. The hearing cannot be postponed for more than 30 days and only one postponement will be allowed. If you have not been informed of the steps involved in a hearing and a copy of the steps is not attached to this notice, you may contact the food stamp office to get the information.

If you fail to appear at the hearing, you have ten (10) days from the date of the scheduled hearing to present reasons indicating good cause for failure to appear.

If you wish, you may waive your right to an Administrative Hearing. A waiver form is attached which explains the penalties which will be invoked if you decide to waive. Please read and sign the attached form if you wish to waive your right to an Administrative Disqualification Hearing.

Even though this hearing is scheduled, this does not prevent the State or Federal Government from prosecuting you for an intentional violation of a program rule in a court of law or from collecting the food stamp payment that was overissued.

IF YOU HAVE ANY QUESTIONS OR NEED THE NAME AND PHONE NUMBER OF SOMEONE WHO CAN GIVE YOU FREE LEGAL ADVICE, CALL THE FOOD STAMP OFFICE AT:

| | | | | |
|---|---|------|-------|----------|
| FOOD STAMP OFFICE ADDRESS (NUMBER AND STREET) | | CITY | STATE | ZIP CODE |
| OFFICE PHONE NUMBER | ELIGIBILITY SPECIALIST OR WELFARE INVESTIGATION UNIT WORKER | | | |

MO 886-0423 (4-99)

RETAIN 36 MONTHS

IM-160 (12-13)

What is an Administrative Disqualification Hearing?

An administrative disqualification hearing is a hearing held to decide if you or a member of your household intentionally violated Food Stamp rules. This is called an "intentional program violation". The local department of social services will request that the state conduct a hearing when there is evidence that a violation occurred.

Even though a hearing is scheduled, this does not prevent the State or Federal Government from prosecuting you for an intentional violation of a program rule in the court of law or from collecting the overpayment.

What is an Intentional Program Violation?

An intentional program violation is any of the following actions:

- Making a false or misleading statement to local agency, either orally or in writing, to get Food Stamp benefits to which you are not entitled. Even if your Food Stamp application is denied you can be found guilty.
- Hiding information or not telling all the facts in order to get Food Stamp benefits to which you are not entitled.
- Using Food Stamp benefits to buy non-food items such as alcohol, tobacco, or paper products.
- Using or having Food Stamp benefits you are not supposed to have.
- Trading or selling Food Stamp benefits or Electronic Benefits Transfer (EBT) Card.

What happens at the Administrative Disqualification Hearing?

The hearing officer will decide if you are guilty of an intentional program violation. The hearing officer will make the decision based upon the evidence presented at the hearing. At the hearing, you may:

- See all documents and records being used at the hearing.
- Present the case or have a legal representative or someone else present the case.
- Bring witnesses.
- Question any testimony or evidence.
- Confront all witnesses and ask them questions.
- Present evidence to establish the household member's side of the case.
- Remain silent about the charges.

Notification of Decision by Hearing Officer

The hearing officer will make a decision on the case based on all the evidence presented. The hearing officer will tell you in writing what the decision is. You will receive this written decision within 90 days after the hearing date.

If the hearing officer decides that you are guilty of an intentional program violation, the local agency will send a notice to say:

- You will be disqualified from getting benefits;
- When you will be disqualified; and
- The amount of the benefits the rest of the household will get.

Review of the Hearing Officer's Decision

If you are not satisfied with the hearing officer's decision, you may seek a ruling from a court. You may also ask to have the decision reviewed but the review cannot change the decision.