

**County of Orange Social Services Agency  
Family Self-Sufficiency & Adult Services**

**Program/Area:** CalWORKs

**Title:** **Administrative Disqualification Hearing (ADH)**

**Number:** 100-H5

**Status:** Signature on File

**Effective Date:** 10/01/2018

**Revision Date:**

**Approval:**

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**BACKGROUND** Administrative Disqualification Hearing (ADH) regulations were initially implemented for the CalFresh (CF) program in 1979 and for the CalWORKs (CW) program in January 1992, **as a means to disqualify from aid those individuals who knowingly and with intent**, commit an Intentional Program Violation (IPV). An ADH is initiated for CW and CF programs when the County has sufficient documentary evidence to substantiate that an individual has intentionally made one or more acts of Intentional Program Violation.

In the CW and CF programs, an IPV is defined as intentionally making a false or misleading statement or misrepresenting, concealing or withholding facts; committing any act intended to mislead, misrepresent, conceal or withhold facts or promote an inaccuracy; and committing these acts to establish or maintain CalWORKs eligibility or to increase or prevent a reduction in the amount of a benefit grant. ([Reference: Policy 100-H1 Intentional Program Violation \(IPV\)](#))

ADH determinations are made through the Appeals Hearing process. An Administrative Law Judge (ALJ) will determine if an individual will be disqualified from receiving CW/CF benefits. The hearing decision will be given to Program Integrity (PI). PI will then complete a [CalWORKs Intentional Program Violation \(IPV\) Disqualification Memo F063-07-314](#) and forward the Memo to the eligibility worker who will apply the disqualification period as described in the CW Disqualification Memo.

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**POLICY** A CalWORKs and/or CalFresh case shall be screened for a potential IPV and ADH referral when the District Attorney Public Assistance Division (DA-PAD) has declined or rejected a case for criminal prosecution. A request for an ADH may not be submitted when the case is being pursued through the criminal justice system.

The Fraud/Overpayment Review Unit (FRU) has sole discretion in determining which overpayment (OP) or overissuance (OI) cases will be sent to Appeals for an ADH screening. The only cases to be referred to the Appeals Unit are those in which the standards of evidence are met to establish that a household member maybe subject to disqualification from the CalWORKs and/or CalFresh programs due to an IPV.

Workers will initiate an Administrative Disqualification Hearing referral to the FRU unit for ADH evaluation when one of the followings occurs:

- Upon completion of investigation requested by worker, the District Attorney-Public Assistance Division (DA-PAD) has enough evidence to constitute an IPV determination, they will indicate “ADH Referral Required” and return to worker either on the:
  - Regional Fraud Investigation Response F063-30-14A OR
  - District Attorney Investigation Response
- Worker has reviewed that the below criteria has been met:
  - Client-caused overpayment/over issuance (OP/OI) based on unreported income or property and the combined total OP/OI of CW and/or CF is between \$1000 to \$4999 (NOTE: If the OP/OI is \$5000 and over, refer to [Policy 100-H4 Fraud Referrals](#))
  - All Income Eligibility Verification System (IEVS) abstracts were reviewed and processed timely

**NOTE:** The ADH Referral is not required if the client with the unreported income is a Supplemental Security Income (SSI) recipient, ineligible non-citizen, non-needy caretaker relative, or an **unaided** sponsored noncitizen.

## PROCESS

### **Intake Eligibility Employment Specialist (IEES)/Continuing Eligibility Employment Specialist (CEES)/CalWORKs Eligibility Technician (CWET)**

The IEES/CEES/CWET will:

- Process OP/OI as appropriate
- Complete the [F063-02-741 FSS/AS and AP Administrative Disqualification Hearing \(ADH\) Referral](#) if the listed criteria on the referral are met
- Ensure all documents are imaged into OnBase under ADH Document Type
- Enter detailed Case Comments including:
  - Fraud period
  - OP/OI claim number(s) and amount
  - Individual and aka (if appropriate) with unreported income, name of employer, hire date
  - If the individual failed to report income at Application, Semi Annual Reporting (SAR7), Annual Redetermination (RRR), and/or over the Income Reporting Threshold (IRT)
- Submit ADH Referral to supervisor for review

### **Eligibility Supervisor (ES)/ Social Services Supervisor I (SSSI)**

Upon receipt of the ADH Referral from the IEES/CEES/CWET, the supervisor will:

- Review the ADH referral for accuracy
- Ensure all documents were imaged into OnBase under ADH Document Type
- Ensure detailed Case Comments were entered
- Email ADH Referral to FRU’s ADH Referrals email account with a CC to the worker
- Case comment that ADH Referral was reviewed and referred to FRU

- Virtually print the signed ADH Referral into OnBase under ADH Document Type

**NOTE:** If the OP/OI does not meet the ADH criteria, mark “Non-Referred” on the form, virtually print the referral, enter Case Comments explaining the reason and return the form to the worker.

### **Fraud/Overpayment Review Unit (FRU)**

Once FRU has received the ADH referral, they will:

- Screen OP/OI cases for potential IPVs
- Assess whether there is a “preponderance of evidence” in the CalWORKs case or “clear and convincing evidence” in CalFresh case.
- Complete IPV/ADH Screening Checklist and Case Referral Guidelines for Disqualification Hearings
  - If case meets ADH criteria, refer case to Appeals

ADH determinations are made through the Appeals Hearing process and an Administrative Law Judge (ALJ) will determine if an individual will be disqualified from receiving CW/CF benefits. The hearing decision will be given to Program Integrity (PI). If the case is open, FRU Unit in PI will:

- Complete and forward a [CalWORKs Intentional Program Violation \(IPV\) Disqualification Memo F063-07-314](#) to the EES/CWET who will apply the disqualification period as described in the CW Disqualification Memo.
- CEES/CWET will send Administrative Disqualification Notice ABCD 239.7A for CW and CF 377.7a and CF 377.7a1 for CF

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### **REFERENCES**

- [CW100 – H1 Intentional Program Violation \(IPV\)](#)
- [CW100 – H4 Fraud Referrals](#)
- [CalWORKs Intentional Program Violation \(IPV\) Disqualification Memo F063-07-314](#)
- [F063-02-741 FSS/AS and AP Administrative Disqualification Hearing \(ADH\) Referral](#)
- ACL 17-118 CW & CF Administrative Disqualification Hearings
- [FSS ADH Flowchart](#)