

5101:6-20-01 DISQUALIFICATION FOR INTENTIONAL PROGRAM VIOLATION.

- (A) CHAPTER 5101:6-20 OF THE ADMINISTRATIVE CODE GOVERNS DISQUALIFICATION FOR INTENTIONAL PROGRAM VIOLATION IN THE ADC AND FOOD STAMP PROGRAMS.
- (B) AN INDIVIDUAL MAY BE DISQUALIFIED FROM THE ADC AND/OR FOOD STAMP PROGRAMS FOR INTENTIONAL PROGRAM VIOLATION BASED ON ONE OF THE FOLLOWING.
 - (1) A FINDING BY A COURT THAT THE INDIVIDUAL HAS COMMITTED AN INTENTIONAL PROGRAM VIOLATION.
 - (2) A DISQUALIFICATION CONSENT AGREEMENT, SIGNED BY THE INDIVIDUAL, IN ACCORDANCE WITH RULE 5101:6-20-40 OF THE ADMINISTRATIVE CODE.
 - (3) AN ADMINISTRATIVE DISQUALIFICATION HEARING DECISION WHICH FINDS THAT THE INDIVIDUAL HAS COMMITTED AN INTENTIONAL PROGRAM VIOLATION.
 - (4) A WAIVER OF THE RIGHT TO AN ADMINISTRATIVE DISQUALIFICATION HEARING, SIGNED BY THE INDIVIDUAL, IN ACCORDANCE WITH RULE 5101:6-20-30 OF THE ADMINISTRATIVE CODE.
- (C) THE LOCAL AGENCY IS RESPONSIBLE FOR INVESTIGATING ANY CASE OF ALLEGED INTENTIONAL PROGRAM VIOLATION, REGARDLESS OF THE SUSPECTED INDIVIDUAL'S CURRENT ELIGIBILITY STATUS, AND FOR ENSURING THAT APPROPRIATE CASES ARE ACTED UPON EITHER THROUGH ADMINISTRATIVE DISQUALIFICATION PROCEDURES OR REFERRAL FOR PROSECUTION.
- (D) LOCAL AGENCIES ARE ENCOURAGED TO REFER FOR PROSECUTION THOSE INDIVIDUALS SUSPECTED OF COMMITTING INTENTIONAL PROGRAM VIOLATION, PARTICULARLY IF THE VALUE OF BENEFITS INVOLVED IS LARGE OR IF THE INDIVIDUAL IS SUSPECTED OF COMMITTING MORE THAN ONE ACT OF INTENTIONAL PROGRAM VIOLATION.
 - (1) THE LOCAL AGENCY SHALL CONFER WITH ITS LEGAL REPRESENTATIVE TO DETERMINE THE TYPES OF CASES WHICH WILL BE ACCEPTED FOR POSSIBLE PROSECUTION.
 - (2) LOCAL AGENCIES SHALL ALSO ENCOURAGE LOCAL PROSECUTORS TO RECOMMEND TO THE COURTS THAT A DISQUALIFICATION PENALTY, AS PROVIDED FOR BY RULE 5101:6-20-03 OF THE ADMINISTRATIVE CODE, BE IMPOSED IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL PENALTIES FOR SUCH VIOLATIONS.
- (E) ADMINISTRATIVE DISQUALIFICATION PROCEDURES SHOULD BE INITIATED IN THE FOLLOWING SITUATIONS:
 - (1) THE LOCAL AGENCY BELIEVES THE FACTS OF THE CASE DO NOT WARRANT CIVIL OR CRIMINAL PROSECUTION.
 - (2) THE FACTS OF THE CASE WERE PREVIOUSLY REFERRED FOR PROSECUTION BUT WERE DECLINED BY THE APPROPRIATE LEGAL AUTHORITY.

- (3) NO ACTION WAS TAKEN ON A PREVIOUSLY REFERRED CASE WITHIN A REASONABLE TIME AND THE REFERRAL WAS FORMALLY WITHDRAWN BY THE LOCAL AGENCY.
- (F) THE LOCAL AGENCY SHALL NOT INITIATE ADMINISTRATIVE DISQUALIFICATION PROCEDURES AGAINST AN INDIVIDUAL CURRENTLY BEING REFERRED FOR PROSECUTION OR SUBSEQUENT TO ANY ACTION TAKEN AGAINST THE INDIVIDUAL BY THE PROSECUTOR OR THE COURT, IF THE FACTUAL ISSUES OF THE CASE ARISE OUT OF THE SAME, OR RELATED, CIRCUMSTANCES.
 - (1) SUCH ACTION BY THE COURT SHALL INCLUDE RECEIVING A COMPLAINT OF AN INTENTIONAL PROGRAM VIOLATION.
 - (2) SUCH ACTION BY THE PROSECUTOR SHALL INCLUDE THE FILING OF A COMPLAINT IN COURT OR PRESENTATION OF THE CASE TO A GRAND JURY, REGARDLESS OF WHETHER THE GRAND JURY RETURNS AN INDICTMENT.
 - (3) THE PROSECUTOR'S INDEPENDENT REVIEW AND INVESTIGATION OF A REFERRED CASE SHALL NOT, BY ITSELF, CONSTITUTE SUCH ACTION.
- (G) THE LOCAL AGENCY SHALL NOT INITIATE ADMINISTRATIVE DISQUALIFICATION PROCEDURES AGAINST AN ACCUSED INDIVIDUAL WHEN A PREVIOUS ADMINISTRATIVE DISQUALIFICATION HEARING ON THE SAME, OR RELATED, CIRCUMSTANCES WAS DECIDED IN THE ACCUSED INDIVIDUAL'S FAVOR.
- (H) IN PROCEEDING AGAINST AN INDIVIDUAL, THE LOCAL AGENCY SHALL COORDINATE ANY CORRESPONDING ACTIONS TAKEN UNDER THE ADC AND FOOD STAMP PROGRAMS WHERE THE FACTUAL ISSUES ARISE FROM THE SAME OR RELATED CIRCUMSTANCES.

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