ADH Script- Respondent Appeared

Today's date is _____. The time is approximately ____.

The Health and Human Services Commission is conducting an Administrative Disqualification Hearing in the (SNAP/TANF) program for (name of client), Respondent, Case Number_____, Client Number____, OIG Number____.

The purpose of the hearing is to determine whether the Respondent, (Name of Client), committed an intentional program violation of the (SNAP/TANF) program.

Representing the Office of Inspector General and participating in this hearing by telephone is _____. I am (NAME), hearings officer for the Health and Human Services Commission. I am located at (ADDRESS). This hearing is being recorded and it will serve as a record of these proceedings.

The Respondent is present at this hearing today. The Respondent was sent notice of this Administrative Disqualification Hearing by both regular and certified mail on (DATE___), certified letter article number _____, signed for by____ on (DATE___). The notices sent by regular and certified mail advised the Respondent of the nature and purpose of the hearings, as well as the date, time and place for which the hearing has been scheduled. I have before me the postal receipt for the certified notice **AND/ OR** Acknowledgement of Receipt of Notice for Administrative Disqualification Hearing, which accompanied the notice and will be accepted as **EXHIBIT R.**

If any items were non-deliverable:

The certified letter article #____ was (returned as non-deliverable; unclaimed etc.) **AND/OR** the notice sent by regular mail was (returned as non-deliverable, etc.)

The Respondent did receive at least 30 days advance notification of this Administrative Disqualification Hearing.

I will now administer the standard oath. Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth? (Respondent?, OIG Representative?) Let the record show that all participants answered in the affirmative.

Mr. / Mrs._____, included in your appointment notice were your rights. I would like to review these rights to make sure you understand and to see if you have any questions.

- You have the right to present your case or have it presented by a legal counsel or another person.
- You have the right to present witnesses.
- You have the right to present arguments without undue interference.
- You have the right to question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses, and submit evidence to establish all pertinent facts and circumstances in the case.
- You have the right to refuse any and all questions you do not wish to answer, whether they are asked by me or the Agency Representative
- You have the right to review all evidence submitted by the Agency before and during the hearing.

Mr./ Mrs._____, did you receive a large packet of documents in the mail from the Agency (number lower/middle bottom of page, approximately _____ # of pages.

If NO: Mr./Ms., at this time, we have two options. You may waive your right to review the documents the Agency presents and proceed with the hearing or you may request this hearing to be rescheduled so that the Agency can re-mail the documents for you to review. What would you like to do?

In a few moments, the OIG Representative will present their evidence, including the applicable policies for this action. Following their presentation, you will have an opportunity to question the OIG representative and then you will have an opportunity to present you evidence and testimony.

Just to remind everyone, the burden of proof is on the Agency and in order to prevail, they must present clear and convincing evidence that the respondent intentionally committed a violation of program policies and procedures.

Once all the evidence has been presented and evaluated, I will issue a written decision. The due date for the decision is _____. If the Agency proves their case, the Respondent will be disqualified from program participation for a specified period of time. Other household members may continue to apply for benefits, and if found eligible, can participate in the program. Once you receive the decision in writing, it will have information regarding further recourse you may have and the time frames for doing so. If you have questions about calculations of the amount of overpayment, you may appeal that as a separate matter.

Do you have any questions at this time?

_____ (OIG Rep), please offer your exhibits at this time.

____ (Respondent), do you have any objections or problems to these exhibits being admitted today as evidence so that we may talk about them?

Let the record show that the evidence packet offered by (OIG REP NAME) will be admitted on record as marked.

____(OIG REP), Please offer your testimony at this time.

___(Respondent), I am now going to allow you time to cross examine the OIG Representative. Do you have any specific questions you would like to ask at this time?

____(Respondent), please offer your testimony at this time.

____(OIG Rep), do you have any questions for the Respondent at this time?

If no one else has any further questions or comments, I will close the hearing, take all the evidence under advisement, and issue a written decision.

The time is now approximately ____ on ____ and this hearing is now closed. Thank you.