
What is an Administrative Disqualification Hearing?

An administrative disqualification hearing is a hearing held to decide if a member of the Supplemental Nutrition Assistance (SNAP) household intentionally violated SNAP 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.

What is an Intentional Program Violation?

An “intentional program violation” is any of the following actions:

1. Making a false or misleading statement to the local agency, either orally or in writing, to get SNAP benefits to which the household is not entitled. Even if the household’s SNAP application is denied, the household can be found guilty.
2. Hiding information or not telling all the facts in order to get SNAP benefits to which the household is not entitled.
3. Using SNAP benefits to buy non-food items such as alcohol, tobacco, or paper products.
4. Using or having SNAP benefits the household is not supposed to have.
5. Trading or selling SNAP benefits or access devices.

What are the Penalties for an Intentional Program Violation?

If the hearing officer finds that the household member is guilty, he or she will be disqualified from receiving SNAP benefits. The disqualification period will be 12 months for the first offense; 24 months for the second offense; and permanently for the third offense.

In addition, if the hearing officer finds that the household member intentionally gave false information or hid information about identity or residence to get SNAP benefits in more than one locality at the same time, he or she will be disqualified for 10 years.

Advance Notification of an Administrative Disqualification Hearing

The hearing officer will tell the household member in writing the date, time, and place of the hearing. The household will be told at least 30 days before the hearing date. If the household member asks the hearing officer at least 10 days before the hearing to delay the hearing, the hearing will be rescheduled. The hearing will not be delayed, however, for more than 30 days. The household member will be told, in writing, what the charges are against the household. He or she will also receive a summary of the evidence against the household. The household member will be told, in writing, how and where he or she can see the evidence.

What Happens at the Administrative Disqualification Hearing?

The hearing officer will decide if the household member is guilty of an “intentional program violation.” The hearing officer will make the decision based upon the evidence presented at the hearing. At the hearing, the household member can:

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

Failure to Appear at the Administrative Disqualification Hearing

If the household member or a representative does not come to the hearing, the hearing may still be held. The hearing officer will make a decision based on the evidence presented by the local agency. The household member will have 10 days from the date of the hearing to tell the hearing officer why he or she could not come to the hearing.

If the hearing officer decides that the household member had a good reason for not coming to the hearing, a new hearing will be held.

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 the household member, in writing, what the decision is. The household member will receive this written decision within 90 days after he or she was told the hearing would be held.

If the hearing officer decides that the household member is guilty of an intentional program violation, the local agency will tell the household, in writing:

(1) that the household member will be disqualified from getting SNAP benefits; (2) when the household member will be disqualified; and (3) the amount of SNAP benefits the rest of the household will get.

Review of the Hearing Officer's Decision

If the household member is 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.

Commonwealth of Virginia
Department of Social Services
Supplemental Nutrition Assistance Program

ADMINISTRATIVE DISQUALIFICATION HEARINGS



SNAP benefits are available to all eligible persons regardless of race, color, national origin, sex, age, political beliefs, religion, or disability.

The Virginia Department of Social Services is an Equal Opportunity Provider.