

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
Division of Administrative Hearings  
Lucas State Office Building  
Des Moines, Iowa 50319

Date Issued:  
IPV No:

THIS NOTICE IS TO ADVISE YOU THAT A HEARING ABOUT AN INTENTIONAL PROGRAM VIOLATION WHICH THE DEPARTMENT OF HUMAN SERVICES (DHS) ALLEGES YOU COMMITTED HAS BEEN SCHEDULED FOR:

DATE:

TIME:

IF YOU WISH TO PARTICIPATE IN THE HEARING, YOU ARE REQUIRED TO APPEAR AT THE COUNTY OFFICE OF THE DEPARTMENT OF HUMAN SERVICES AT

This matter will be heard by Administrative Law Judge  
Administrative Law Judge telephone:

**THIS HEARING WILL BE CONDUCTED BY TELECONFERENCE CALL:** this means you are required to appear at the location shown above and the Administrative Law Judge will participate by telephone. If you do not agree to a telephone hearing, a request for an in-person hearing will be granted. The Department of Human Services representative will usually be a worker or a supervisor, however, on certain cases the DHS may be represented by an Assistant Attorney General.

YOU HAVE THE RIGHT TO INSIST ON AN IN-PERSON HEARING IF SUCH HAS NOT BEEN SCHEDULED FOR YOU. You should carefully consider whether you would prefer to have an in-person hearing. Discuss the choice with your legal representative if you have one.

IF YOU FAIL TO APPEAR FOR THE HEARING you shall have 10 days from the date of the hearing in which to show good cause for failing to appear. If you establish good cause within the 10-day period, you will be granted another hearing.

CONTACT THE ADMINISTRATIVE LAW JUDGE NAMED ABOVE if: you no longer want a hearing held; you wish an in-person hearing and you have not been scheduled for one\*; you cannot for good reason attend on the date and/or time shown above\*; you feel the issues listed below are incomplete or incorrect\*; you have questions about the procedure for telephone and/or in-person hearings; you do not understand this notice. If you are unable to reach the Administrative Law Judge, you may call the Division of Appeals at (515) 281-6966.

\*These requests may be approved or denied only by the Division of Appeals.

PLEASE READ THE BACK OF THIS NOTICE. IT EXPLAINS CERTAIN RIGHTS YOU HAVE WITH RESPECT TO THE HEARING.

We have reason to believe you have committed an Intentional Program Violation because: ...

CC:

**AN INTENTIONAL PROGRAM VIOLATION (IPV) CONSISTS OF HAVING INTENTIONALLY:** made false or misleading statement(s); misrepresented, concealed, or withheld fact(s); acted with the intent to mislead, misrepresent, conceal or withhold facts, or provide false information in relation to the FIP program; or committed any specified act constituting a violation of the food stamp program. See 7 CFR §273:16 and 441 IAC 46.21(239), 7.21, and 7.22 (217).

The case against you is supported by evidence consisting of your Department of Human Services (DHS) case file and testimony of DHS employees and/or others. You or your representative may look at this evidence at the county office of the DHS.

**YOU HAVE THE RIGHT TO:**

- Look at the evidence that will be used at the hearing both before and during the hearing. Please call the DHS county office if you wish to look at the evidence before the hearing.
- Present your own case or have someone present your case for you, such as a lawyer, a friend, a relative or a community worker.
- Bring your own witnesses.
- Argue your case freely.
- Question any evidence or statements made against you.
- Bring any evidence you may have that would support your case.

**YOU SHOULD SERIOUSLY CONSIDER OBTAINING LEGAL ADVICE.** If you have questions or need the name and telephone number of an individual or organization which may be able to give you free legal advice, contact your DHS county office.

**THE CONSEQUENCES OF A FINDING OF AN IPV BY YOU ARE SEVERE. THE LENGTH OF DISQUALIFICATION IS DEPENDENT ON WHEN THE VIOLATION(S) TOOK PLACE. THE DISQUALIFICATION PERIOD FOR A FIP AND/OR FOOD STAMP IPV IS AS FOLLOWS:**

<u>VIOLATION</u>	<u>DISQUALIFICATION PERIOD</u>
→ 1st Violation . . . . .	6 or 12 months
→ 2nd Violation . . . . .	12 or 24 months
→ 3rd Violation . . . . .	Permanent
→ 1st violation involving controlled substance . . . . .	2 years*
→ Subsequent violations involving controlled substance . . . . .	Permanent*
→ Conviction for trafficking food stamps over \$500 . . . . .	Permanent*
→ Fraudulent statement or representation regarding identity or residency in order to receive multiple benefits . . . . .	10 years*

\*Involving Food Stamp IPVs only

It is important that you, or your representative, be at the hearing. If you or your representative are not there, the decision will be based solely on information provided by the DHS.

Even though this hearing is scheduled, this does not prevent the State or Federal governments from prosecuting you for fraud in a court or from asking that you pay back the value of any assistance your household was not entitled to receive.

Our authority to schedule this hearing is found at 7 CFR §273.16, 45 CFR 235.112 and 235.113, 441 IAC 46.28 (239), 441 IAC 65.46 and 7.21, 7.22 (217). Attached you will find a copy of the procedures to be followed at the hearing.