

County of San Diego, Health and Human Services Agency (HHS)
Policy and Procedure Guide

Administrative Disqualifications Hearing (ADH) for Quality & Eligibility Support Department (QESD) staff Policy and Procedures

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Revision Date:

09/01/2020

Purpose:

The purpose of this document is to establish a new policy regarding Administrative Disqualifications Hearings (ADH). This material is being revised for the sunset review date and to align with current processes.

Background:

It was previously required that an ADH referral contain two perjured documents, QESD eligibility staff will follow the policies defined below.

Policy:

The ADH referrals and follow up actions will be completed by QESD eligibility staff that initiated the process. An ADH referral will be made when the standard of evidence is clear and convincing and proves or tends to establish that a respondent intended to mislead the County. The case will be referred for potential ADH processing as outlined in CPG 44-350.J and CFPG 63-453.

Respondents may choose to sign a Waiver of Rights to an ADH, instead of following through with the ADH process. ADH decisions and/or signed ADH Waivers must be assigned to staff for follow up within 2 business days of the time that they appear on the Appeals Liaisons Dashboard.

QESD Human Services Specialists (HSSs) must impose the penalty or sanction as follows:

ADH	<ul style="list-style-type: none">• Impose the penalty or sanction beginning with the first month following the date the respondent receives the Administrative Disqualification Notice.• Five days from the date the notice is mailed shall be considered sufficient time for the respondent to have received the notice, provided it has not been returned as undeliverable.
Court order	<ul style="list-style-type: none">• Impose the penalty or sanction within 45 days of the date the disqualification was ordered.
ADH Waiver	<ul style="list-style-type: none">• Impose the penalty or sanction within 45 days of the date that the ADH Waiver was signed.

An Intentional Program Violation (IPV) penalty or sanction is a County Initiated action. When imposing the penalty or sanction the HSS must also follow the CalWORKs (CW) and CalFresh (CF) program regulations as follows:

CF	<ul style="list-style-type: none">• Sanctions must be imposed whether the case is active or closed.• Implement the sanction and discontinue the individual mid-period. Timely notice is not required to reduce the household's allotment due to the IPV disqualification.
CW	<ul style="list-style-type: none">• Penalties will be imposed on active cases only.• Timely notice is required to discontinue a person for an IPV. If it is after Notice of Action (NOA) cutoff, the HSS waits until the 1st of the following month to avoid creating an Admin Error Overpayment (O/P).• If the CW case is not active, complete a held change message.

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Procedure:

The HSS will review the case to determine if the respondent(s) are subject to administrative disqualification. If it is determined that the case will be referred for an ADH, the HSS is to email the completed ADH Referral coversheet and all supporting documents to their Supervising Human Services Specialist (SHSS) for review.

The SHSS will review the submitted documents to ensure that the case meets the criteria outlined in the program sections referenced above. If the ADH referral is accepted, the SHSS will email the ADH referral packet to: [HHS, EO_QESDSupport](#) for submission to Appeals, stating in the subject line 'ADH Referral'.

The QESD Office Assistant (OA) will image the ADH referral packet into CERMS and forward the Appeals email to: [HHS, AppealsClerk](#), stating in the subject line 'ADH Referral'.

ADH Decisions and Signed Waivers:

The HSS will apply the penalty or sanction when a signed ADH waiver or an ADH decision is received and will comply with the provided instructions letter within the timeframe stated above. Upon completion, all NOAs not generated from CalWIN and any additional documentation will be emailed to the SHSS for review.

The SHSS will review the completed case actions taken and any NOAs submitted for accuracy. Change the CalWIN claim(s) from Inadvertent Household Error (IHE) or Client Error to IPV and notify the department Appeals Liaison to close out Rushmore. All NOAs and additional documentation received must be emailed to: [HHS, EO_QESDSupport](#), stating in the subject line 'ADH Completion'.

The OA will image the NOAs and submitted documents into CERMS, mail out any NOAs received, update the Master Log (S:\Elig Ops\Fraud_Integrity\OSU\OSU IPV Sanction Logs\ADH & Court Restitution IPV Logs) and enter the IPV into the State System (<https://secure.dss.ca.gov/wtw/fraud/IPV>) within 2 business days.

References:

CalWORKs CPG 44-350.J,44-270.I, 22-000.A

CalFresh CFPG 63-453.4, 63-453.7-8, 63-454.3, 63-303.2, Processing Guides 450-01 and 453-01
MPP 20-300.4, 20-354, 22-200, 22-300

Sunset Date:

This policy will be reviewed for continuance by 08/31/2023

Approval for Release:



Rick Wanne, Director
Eligibility Operations