

Department of Social and Health Services

Olympia, Washington

EAZ Manual

Revision 1218
Category Administrative Disqualification Hearings for Food Assistance
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Summary

Updated: The threshold for food overpayments to reflect current policy.

See below for new text:

Clarifying Information:

WAC 388-446-0015 - Intentional Program Violation (IPV) and Administrative Disqualification Hearings (ADH) for Food Assistance

1. An Intentional Program Violation (IPV) of the Food Assistance program can be determined by a decision in an Administrative Disqualification Hearing (ADH) or by a decision of the court in a criminal prosecution.

2. A person suspected of an IPV can choose to waive their right to an ADH by signing a Waiver of Administrative Disqualification Hearing ([DSHS 12-212](#)) to accept the IPV penalty under [WAC 388-446-0020](#).
3. The department must decide whether to refer an IPV instance for prosecution **or** for an ADH; both procedures shall not be pursued at the same time. Upon completion of an ADH, the department may choose to then refer the case for prosecution.
4. Separate instances of suspected IPV may be combined into one complaint that totals more than \$85 for current recipients, or \$125 or more for inactive recipients. See [FRAUD](#).
5. The department must prove the IPV with "clear and convincing evidence". This means that the evidence must establish that it is highly probable the actions that resulted in the overpayment were intentional.