

DSS ADMINISTRATIVE LETTER ECONOMIC AND FAMILY SERVICES 6-2020
EFS_FNS_AL-6-2020

Food and Nutrition Services

TO: County Directors of Social Services

ATTENTION: Food and Nutrition Services Managers and Supervisors

DATE: March 31, 2020

SUBJECT: Administrative Disqualification Hearing (ADH) by Telephone

EFFECTIVE: Upon Receipt

I. GENERAL INFORMATION

The United States Department of Agriculture (USDA) approved the option for local agencies to conduct ADHs by telephone. This letter outlines alternative procedures for an ADH to be conducted by telephone. An ADH is a local hearing conducted in lieu of prosecution for cases in which the local agency has clear evidence to substantiate that an individual has committed act(s) of Intentional Program Violation (IPV). Conducting ADHs by telephone will be allowed until the COVID-19 public health emergency declaration by the Secretary of Health and Human Services is lifted.

II. POLICY PROCEDURES

- A.** The local agencies will provide the normal notification to the participant and will include an insert explaining that in response to COVID-19, the hearing will preferably be held by telephone. If the applicant agrees to have the hearing conducted by telephone, the applicant, witness(es) or interpreter, if needed, will be required to sign a form indicating that he/she has freely consented to having the hearing conducted by telephone and understands he/she has same rights during a face-to-face hearing. Applicants must contact DSS immediately to confirm if they prefer the hearing to be conducted face-to-face (if the local agency can accommodate) or by telephone. The applicant must provide the best contact number(s) for all persons involved, also confirm the scheduled day and time of the hearing or request to have the hearing rescheduled. Continue to follow all other policy guidelines in FNS manual section 710.
- B.** If the participant disagrees with completing the hearing by telephone and prefers a face-to-face hearing, and the agency cannot accommodate this request at this time, the local agency must explain to the participant that the hearing will be delayed until the public health declaration by the Secretary of Health and Human Services is lifted. The participant must also be informed that if their benefits continue at the same amount until the hearing is held, and the hearing decision of the delayed ADH is a disqualification, an Agency Error (AE) will have to be established in addition to the IPV.

III. IMPLEMENTATION INSTRUCTIONS

The ADH by telephone is effective upon receipt until the COVID-19 public health emergency declaration by the Secretary of Health and Human Services is lifted.

Submit any questions regarding this information to the DHHS Operational Support Team (OST) at DSS.Policy.Questions@dhhs.nc.gov

Sincerely,

A handwritten signature in blue ink that reads "David Locklear". The signature is written in a cursive style with a large initial "D".

David Locklear, Deputy Director
Economic and Family Services

DL/vd