

**OFFICE OF INVESTIGATIVE SERVICES
POLICY AND PROCEDURE #710**

CLAIM DISPOSITION OPTIONS

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One of the primary goals of the Office of Investigative Services is to seek final adjudication and disposition of IPV (Intentional Program Violation) claims by judicial or administrative means.

When initiating a claim disposition, the notice sent to the client must be specific and tied to a clearly identified disposition. The information in the notice must present the client's rights and identify the next step and available options to allow the individual to make an informed choice. To that end, a referral for an administrative disqualification hearing must follow a client's failure to respond or refusal to accept the option of waiving the hearing. Likewise, a referral for criminal prosecution must follow a client's failure to respond or refusal to accept the offer of a Consent Agreement.

In some situations, it may become necessary for the Agent to shift from a judicial option to an administrative option or vice versa. For example, a client who was first offered a consent agreement may be more appropriate for referral for an administrative disqualification hearing. Whenever an alternative disposition different from the client notice becomes appropriate, the Agent must provide a new notice tied to the new disposition prior to completing the disposition. An appropriate written notice is required to assure the client is given all the appropriate rights, is provided with the appropriate options, and assures the client is allowed the opportunity to make an informed choice.

OPTIONS FOR ADJUDICATION THROUGH THE JUDICIAL PROCESS:

Currently, there are two mechanisms available for adjudication through judicial means:

- Criminal Prosecution (see Policy #740)
- Consent Agreement and Court Order (also referenced as PAC Process) (see Policy #750)

Any claim exceeding \$500 should be evaluated for criminal prosecution based on the case circumstances. However, in general, claims with a combined dollar loss from \$200 to \$4,999 will be considered for disposition through the PAC Process in counties where the Prosecutor is contracted with DHR. Claims with a combined dollar loss from \$5,000 to \$9,999 will be evaluated for possible prosecution. All claims with a combined dollar loss exceeding \$10,000 should be referred to the prosecutor for criminal prosecution.

OPTIONS FOR ADJUDICATION THROUGH THE ADMINISTRATIVE PROCESS:

Adjudication through administrative processes allows offenders who have intentionally obtained excess benefits to be administratively adjudicated and make restitution without going through the court system. In all counties, these options are typically used for claims with a combined dollar loss up to \$199. In counties without a PAC process, claims with a dollar loss from \$200 to \$4,999 should be evaluated for resolution through these administrative options or referral for criminal prosecution depending on the facts of the case. Currently, there are two mechanisms for administrative adjudication:

- Administrative Disqualification Hearing (see Policy #760)
- Waiver of Disqualification Hearing (see Policy #760)

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NON-ADJUDICATIONS:

Recovery of overpayments through administrative means allows offenders who have obtained excess benefits to make restitution without adjudication. Currently, there are two mechanisms:

- Repayment Agreement (see Policy #770)
- Return of Claim to DFCS for Collection (see Policy #770)

CIVIL ACTIONS:

The Office of Investigative Services normally does not use this proceeding to gain recovery. The Special Agent in Charge should discuss any cases considered for civil litigation with the Assistant Director or Chief of Investigations through the Supervisory Special Agent in Charge.