**Section 104.410 Advance Notice of Administrative Disqualification Hearing**

The Department shall provide written notice to a household member suspected of intentional violation of the Food Stamp program at least 30 calendar days in advance of the date an administrative disqualification hearing has been scheduled. The notice shall contain:

a) The date, time and place of hearing.

b) The charge(s) against the household member.

c) A summary of the evidence and how and where it can be examined.

d) A warning that the decision will be based solely on information provided by the Food Stamp office if the household member fails to appear.

e) A statement that the household member or representative will have 10 calendar days from the date of the hearing to present good cause for failure to appear in order to receive a new hearing. (See 89 Ill. Adm. Code 104.60(e) for definition of good cause).

f) A warning that a determination of intentional violation of the program will result in a 6 month disqualification for the first violation, 12 month disqualification for the second violation, and a permanent disqualification for the third violation, and a statement of which penalty the Department believes is applicable to the case scheduled for hearing.

g) A listing of the household member's rights. (See rights set forth in 89 Ill. Adm. Code 104.22).

h) A statement that the hearing does not preclude a prosecution for civil or criminal fraud.

i) A statement that the individual can call the Food Stamp office to get the name and phone number of someone who can give free legal advice.

j) The household member is also sent a waiver of right to an Administrative Disqualification Hearing pursuant to 7 C.F.R. 273.16(f). If the household member wishes to waive the right to a hearing, he/she must sign the waiver and return it to the Department within 20 calendar days of the date of notification.

(Source: Amended at 8 Ill. Reg. 5274, effective April 9, 1984)