



Ohio Administrative Code

Rule 5101:6-20-40 State hearings: disqualification consent agreement.

Effective: March 1, 2019

(A) The local agency has the option of establishing procedures to allow an individual suspected of an intentional program violation to sign a disqualification consent agreement. Local agencies are encouraged to use this option for those cases in which a determination of guilt is not obtained from a court because:

(1) The accused individual has met the terms of a court order.

(2) The accused individual was not prosecuted because he or she met the terms of an agreement with the prosecutor.

(B) Those counties that choose the option identified in paragraph (A) of this rule shall enter into an agreement with the county prosecutor that provides for giving the individual advance written notification of the consequences of signing a disqualification consent agreement.

(C) The disqualification consent agreement shall include the following:

(1) For individuals accused of committing an intentional program violation in the Ohio works first (OWF) and prevention, retention and contingency (PRC) programs, a statement that signing the agreement constitutes an admission of guilt.

(2) A statement for the accused individual to sign indicating that he or she understands the consequences of signing the agreement.

(3) A statement that the head of the assistance group shall also sign the agreement if the accused individual is not the head of the assistance group.

(4) A statement that signing the agreement shall result in disqualification and a reduction in benefits for the period of disqualification, even though the individual was not found guilty of civil or criminal



misrepresentation or fraud.

(5) A description of the penalties for an intentional program violation, and a statement of which penalty or penalties shall be imposed if the individual signs the agreement.

(6) For supplemental nutrition assistance program (SNAP), each person who was an adult member of the assistance group when the overpayment or trafficking occurred is responsible for repayment of the overpayment/overissuance.

(D) In the OWF and PRC programs, the disqualification consent agreement shall be confirmed by the court.

(E) The local agency may use the JFS 04027 "Disqualification Consent Agreement" (rev. 1/2015) or a similar, county-developed form which meets the requirements of this rule.

(F) When signed, a copy of the disqualification consent agreement shall be given to the individual, a copy provided to the local agency to be filed in the individual's case record, and a copy sent to the bureau of state hearings.

(G) When the individual suspected of an intentional program violation signs a disqualification consent agreement, he or she shall be disqualified in accordance with rule 5101:6-20-03 of the Administrative Code, unless contrary to the court order.

(H) Prior to implementing the disqualification, the local agency shall provide the individual a JFS 04062 "Notice of Disqualification for Intentional Program Violation" (rev. 1/2015) or its computer-generated equivalent, in accordance with rule 5101:6-20-18 of the Administrative Code.

(I) The disqualification period shall be implemented as follows:

(1) For OWF and PRC, the period shall begin no later than the first day of the second month following the date the JFS 04062 is mailed.

(2) For SNAP, the period shall begin within forty-five days of the date the individual signed the



disqualification consent agreement.

(3) If the court imposes a disqualification period or specifies the date for initiating the disqualification period, the local agency shall disqualify the individual in accordance with the court order.