



Welfare Fraud Hearings

What is an Administrative Disqualification Hearing (ADH)?

Fraud means lying or hiding information in order to get benefits. It also includes selling or trying to sell SNAP benefits or EBT cards. Buying or trying to buy tobacco products or alcohol with an EBT card is also fraud.

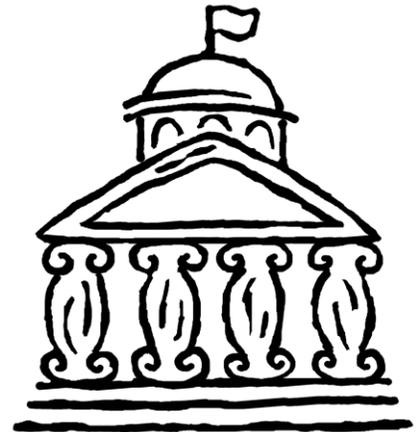
If the county thinks you did this, they can file a criminal charge, and/or may hold an administrative disqualification hearing (ADH). An ADH is a hearing to decide if you committed civil fraud to get MFIP, DWP, Childcare, General Assistance (GA), Group Residential Housing (GRH), Minnesota Supplemental Aid (MSA), Medical Assistance, MinnesotaCare, SNAP (food support) and Emergency Assistance.

What does the county need to prove?

In an ADH, the county must show clear and convincing proof of fraud. This means they have to show that you did or said something **on purpose** to get something from the county that you should not have gotten.

What if the ADH Judge finds I committed fraud?

In most cases, you lose your benefits for 1 year for a first violation, 2 years for a second violation and permanently for a third violation. If you are disqualified from MFIP, you also lose SNAP. If the judge finds that you got SNAP benefits in more than one state at the same time, you can lose SNAP for 10 years. You can't get jail time in an ADH, but anything you say or anything the county finds out in an ADH **can** be used against you if they file a criminal charge.



Should I waive the hearing?

The county may ask you to sign a form to waive the hearing. **Call legal aid for advice before you sign!** If you sign it, you give up your right to a hearing. You also lose your benefits even if you don't admit to doing what the county says you did. If you sign the form, you may have up to 30 days to change your mind so contact legal aid if you have questions.

Can they still file criminal charges?

Yes. The county can bring both an ADH and criminal charges against you. **Anything** you tell the county can be used against you later. If you make a statement or sign a paper, you may be giving up your right to use the 5th Amendment later, in a criminal trial. The 5th Amendment is your right not to testify against yourself in a criminal case. You need to talk to a lawyer to get more information about this.

What if I appealed a notice to stop or lower my benefits?

That appeal can be combined with the ADH fraud hearing. **Get legal help right away.** The hearing will be tricky, because what the county has to prove is different for cutting your benefits than for fraud. The county only needs to prove that most of the facts are on its side to cut off or lower your benefits. But they need clear and convincing proof for fraud.

What if they file criminal charges?

Then you should ask them to drop or delay the ADH hearing. You should also talk with a criminal defense lawyer right away! You may qualify for a public defender. Talk to Court Administration about how to apply for a public defender.

What if I am convicted of criminal fraud or if I am in a diversion program?

If you are found criminally guilty of cheating to get welfare, you will lose your benefits. You can also get jail time or fines. You lose your benefits for 1 year for a first violation, 2 years for a second violation and permanently for a third violation. This is true even if you are in a diversion program or court ordered stay and probation.



What if I am not a U.S. citizen?

If you are not a U.S. citizen, talk with a lawyer as soon as possible. The above issues can affect your immigration status.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

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