**Section 10.380 Single Conviction of Fraud – Administrative Review Board**

Except as provided in Section 10.370, any person who has been found guilty of a criminal violation of Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIA] or of any law of the United States or of any state that is substantially similar to Sections 8A-2 through 8A-5 for violations related to public assistance programs and who has not previously been convicted for a criminal violation of Article VIIIA or of any law of the United States or of any state that is substantially similar to Sections 8A-2 through 8A-5 for violations related to public assistance programs shall be subject to the provisions of this Section upon filing a subsequent application for public assistance under TANF, AABD, Refugee Assistance, or the GA program (in the City of Chicago).

a) The application will be reviewed by an Administrative Review Board (ARB) prior to approval or disapproval. The ARB shall consist of the Local Office Administrator of the local office where the application is made and a representative of the Zone Office, appointed by the Zone Office Administrator.

b) The review by the ARB shall be for the purpose of determining the person's eligibility for assistance and to determine whether any additional administrative safeguards are required to prevent any future violations of Article VIIIA.

c) The review shall be informal. The applicant will be notified, in writing, of the review at least five days in advance. The review will be held in the county where the applicant resides. The applicant may attend the review and may bring other persons to the review to speak on his or her behalf, including an attorney, relatives or friends. The review shall be open to the public, unless the applicant and the ARB determine otherwise. The review shall be held within such a time as not to delay the decision on the application beyond the time allowed under State and Federal law and regulations (see Section 10.420).

d) If the ARB determines the applicant is not eligible for public assistance, based on applicable eligibility factors of the program or programs for which the applicant is applying, the applicant will be notified in the same manner as other applicants. The applicant shall be entitled to appeal any decision of denial. The grounds for appeal and appeal procedure to be followed are found at 89 Ill. Adm. Code 10 and 14.

e) If the ARB determines the applicant is eligible for public assistance, the ARB shall also determine what administrative safeguards, if any, are required to ensure that the person does not commit further violations of Article VIIIA. Such safeguards shall be based on the individual factors of each case and may include, but are not limited to, more frequent home visits, more frequent reports regarding financial or other factors, appointment of a substitute payee, or any other actions that are permitted by State and Federal law and regulations.

f) The applicant will be notified, in writing, of the decision of the ARB and an explanation of the administrative safeguards required in his or her case. The applicant shall be entitled to appeal any decision of the ARB.

g) The ARB shall review the necessity for any administrative safeguard every six months. At the review, the necessity to continue or reverse the administrative safeguards will be determined.

(Source: Amended at 29 Ill. Reg. 8148, effective May 18, 2005)