**Section 104.400 Suspected Intentional Violation of the Program**

If the documentation supports the claim of intentional violation of the program, the Department shall send the individual a notice of suspected intentional violation of the program and of the opportunity to waive the administrative disqualification hearing. Examples of such documentation include statements made by a household member on his application, statements made by a household member and recorded in his case record by the caseworker, and statements made by an employer indicating employment of a household member which conflicts with information on the household member's application. Based upon an evaluation of the facts, the Department may refer cases of suspected intentional violation of the program to a court of appropriate jurisdiction for prosecution (See 89 Ill. Adm. Code 121.154). Factors considered by the Department in its evaluation include the dollar amount at issue, evidence of wilful intent to defraud, and the weight of the evidence.

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