

TITLE 470 DIVISION OF FAMILY RESOURCES

NOTE: Under [IC 12-1-1-1](#), the name of the State Department of Public Welfare is changed to Division of Family and Children, effective January 1, 1992.

NOTE: Under P.L.234-2005, SECTION 197, the name of the Division of Family and Children is changed to the Division of Family Resources, effective July 1, 2005.

NOTE: Under P.L.39-2015, SECTION 3, the statutory authority to adopt rules has been transferred from the Director of the Division of Family Resources to the Secretary of the Office of the Secretary of Family and Social Services, effective July 1, 2015. Rules adopted by the Director before July 1, 2015, are considered rules of the Secretary.

ARTICLE 1. GENERAL ADMINISTRATIVE RULES

Rule 1.	Definitions
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Rule 3.	Personnel
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Rule 1. Definitions

470 IAC 1-1-1	General definitions
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470 IAC 1-1-1 General definitions

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)
Affected: [IC 12-7-2](#); [IC 12-13](#); [IC 12-14](#); [IC 12-15](#)

Sec. 1. The definitions of the following terms as used in this title, unless a different meaning appears from the context, are the same as set forth in Section 1 of The Welfare Act of 1936, as amended: "administrator", "applicant", "recipient", "assistance", "dependent child", and "child welfare services". (*Division of Family Resources; Definitions; filed Mar 27, 1946, 11:30 a.m.: Rules and Regs. 1947, p. 1771; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#)*)

470 IAC 1-1-2 Additional definitions

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)
Affected: [IC 12-7-2](#); [IC 12-13-1-1](#); [IC 12-14](#); [IC 12-15](#)

Sec. 2. (a) The definitions in this section are in addition to those in section 1 of this rule and apply throughout this article.
(b) "Division" or "DFR" means the division of family resources established by [IC 12-13-1-1](#).
(c) "Public assistance programs" means SNAP, TANF, medical assistance, eye treatment, and state supplemental assistance programs.
(d) "Supplemental Nutrition Assistance Program" or "SNAP" means the program established under 7 U.S.C. 2011 et seq.
(e) "System of record" means the Indiana eligibility determination services system.
(f) "Temporary Assistance for Needy Families" or "TANF" means the program established under 42 U.S.C. 601 et seq. (*Division of Family Resources; 470 IAC 1-1-2; filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#)*)

Rule 2. County Departments of Public Welfare

470 IAC 1-2-1	Delegation of rights, powers and duties by county board (Repealed)
470 IAC 1-2-2	Reports to state welfare department (Repealed)
470 IAC 1-2-3	Claims against county welfare department; authorization (Repealed)
470 IAC 1-2-4	Vacancy in position of county welfare director; acting director (Repealed)
470 IAC 1-2-5	Effective dates of salary increases for employees of county welfare departments; eligibility for reimbursement (Repealed)

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[470 IAC 1-2-6](#)

Prompt payment of salaries due employees; waiver (Repealed)

[470 IAC 1-2-7](#)

Confidential nature of assistance records; disclosure

[470 IAC 1-2-8](#)

Fixing amount of official bonds of directors of public welfare (Repealed)

470 IAC 1-2-1 Delegation of rights, powers and duties by county board (Repealed)

Sec. 1. (Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412)

470 IAC 1-2-2 Reports to state welfare department (Repealed)

Sec. 2. (Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412)

470 IAC 1-2-3 Claims against county welfare department; authorization (Repealed)

Sec. 3. (Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412)

470 IAC 1-2-4 Vacancy in position of county welfare director; acting director (Repealed)

Sec. 4. (Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412)

470 IAC 1-2-5 Effective dates of salary increases for employees of county welfare departments; eligibility for reimbursement (Repealed)

Sec. 5. (Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412)

470 IAC 1-2-6 Prompt payment of salaries due employees; waiver (Repealed)

Sec. 6. (Repealed by Division of Family and Children; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2412)

470 IAC 1-2-7 Confidential nature of assistance records; disclosure

Authority: [IC 12-13-5-3](#)

Affected: [IC 12-13-7-3](#); [IC 12-13-7-4](#)

Sec. 7. Confidential Nature of Assistance Records. The case records and other information concerning applicants and recipients of assistance, under the Welfare Act of 1936, as amended, are confidential and their disclosure or use shall be confined to purposes directly connected with the administration of assistance.

Sec. 1(k), Welfare Act; Sec. 1, Ch. 349, Acts 1945; Burns 52-1001.

Sec. 5(f), Welfare Act; Sec. 3, Ch. 349, Acts 1945; Burns 52-1104.

Sec. 14, Welfare Act; Sec. 14, Ch. 3, Acts 1936; Burns 52-1113.

Sec. 14a, Welfare Act; Sec. 2, Ch. 200, Acts 1947; Burns 52-1113a.

Sec. 93, Welfare Act; Sec. 1, Ch. 321, Acts 1951; Burns 52-1262.

Sec. 93a, Welfare Act; Sec. 1, Ch. 321, Acts 1951; Burns 52-1262a.

Sec. 93b, Welfare Act; Sec. 1, Ch. 321, Acts 1951; Burns 52-1262b. (Division of Family Resources; Title 1, Ch 1, Reg 1-107; filed Aug 21, 1951, 1:48 pm: Rules and Regs. 1952, p. 371; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#))

470 IAC 1-2-8 Fixing amount of official bonds of directors of public welfare (Repealed)

Sec. 8. (Repealed by Division of Family Resources; filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

Rule 3. Personnel

470 IAC 1-3-1	Use and disclosure of personal information; limitations
470 IAC 1-3-2	Access to personal information by a data subject; written request; inspect and receive records
470 IAC 1-3-3	Correction and review of personal information by data subject; procedure
470 IAC 1-3-4	Regular access authority to personnel records of the division of family resources; limitation
470 IAC 1-3-5	Employee working hours; lunch hour; time sheet (Repealed)
470 IAC 1-3-6	Employee illness or injury; report of absence from work (Repealed)
470 IAC 1-3-7	Leave without pay (Repealed)

470 IAC 1-3-1 Use and disclosure of personal information; limitations

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)
 Affected: [IC 4-1-6-5](#)

Sec. 1. The use and disclosure of information concerning a data subject of the system of record maintained by the DFR is limited to purposes directly connected with:

- (1) the administration of the plan or program approved under parts A, B, C, or D of title IV or titles II, X, XIV, XVI, XIX, or XX of the federal Social Security Act, or the supplemental security income program established under title XVI of the federal Social Security Act;
- (2) an investigation, a prosecution, or a criminal or civil proceeding conducted in connection with the administration of a plan or program;
- (3) the administration of any other federal or federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need. These safeguards shall also prohibit disclosure to a committee or legislative body (federal, state, or local) of information that identifies by name or address an applicant or a recipient; and
- (4) the use and disclosure of personal information concerning a data subject shall be limited to the purposes described in this regulation unless otherwise ordered by a court of competent jurisdiction.

(Division of Family Resources; Title 1, Ch 2, Reg 1-201; filed Nov 14, 1977, 8:49 a.m.: Rules and Regs. 1978, p. 746; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

470 IAC 1-3-2 Access to personal information by a data subject; written request; inspect and receive records

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)
 Affected: [IC 4-1-6-2](#); [IC 4-1-6-3](#)

Sec. 2. Access to personal information by the system of record is governed by [IC 4-1-6-3](#) upon written request on a form approved by the DFR.

(Division of Family Resources; Title 1, Ch 2, Reg 1-202; filed Nov 14, 1977, 8:49 a.m.: Rules and Regs. 1978, p. 747; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

470 IAC 1-3-3 Correction and review of personal information by data subject; procedure

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)
 Affected: [IC 4-1-6-5](#)

Sec. 3. If a data subject of the system of record maintained by the DFR gives written notice on a form approved by the DFR that they wish to challenge, correct, or explain information about themselves contained in the personal information system, the procedures in [IC 4-1-6-5](#) shall be followed.

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(Division of Family Resources; Title 1, Ch 2, Reg 1-203; filed Nov 14, 1977, 8:49 a.m.: Rules and Regs. 1978, p. 748; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

470 IAC 1-3-4 Regular access authority to personnel records of the division of family resources; limitation

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 4-1-6-2](#)

Sec. 4. Except as otherwise provided by state or federal law or applicable state or federal regulation, regular access to personnel folders and employment related records concerning individual employees of the DFR shall be limited to the following persons:

- (1) The employee or their authorized representative.
- (2) The administrator.
- (3) The personnel officer and members of their staff.
- (4) The DFR division director.
- (5) Other personnel who may exercise supervisory authority over the employee within the organizational structure of the DFR.

(Division of Family Resources; Title 1, Ch 2, Reg 1-204; filed Nov 14, 1977, 8:50 a.m.: Rules and Regs. 1978, p. 793; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

470 IAC 1-3-5 Employee working hours; lunch hour; time sheet (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Oct 10, 1985, 9:38 am: 9 IR 212)*

470 IAC 1-3-6 Employee illness or injury; report of absence from work (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Oct 10, 1985, 9:38 am: 9 IR 212)*

470 IAC 1-3-7 Leave without pay (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Oct 10, 1985, 9:38 am: 9 IR 212)*

Rule 4. Administrative Appeals

470 IAC 1-4-1	Purpose
470 IAC 1-4-2	Standing
470 IAC 1-4-3	Filing an appeal; scheduling appeals
470 IAC 1-4-4	Conduct and authority of administrative law judge
470 IAC 1-4-5	Conduct of hearing; hearing decision
470 IAC 1-4-6	Agency review
470 IAC 1-4-7	Agency record; judicial review
470 IAC 1-4-8	Waiver; SNAP and TANF disqualification hearings

470 IAC 1-4-1 Purpose

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13](#)

Sec. 1. (a) It is the purpose of this rule to establish a uniform method of administrative adjudication within the DFR in order

to determine whether or not an action complained of was done in accordance with federal and state statutes, regulations, rules, and policies. As used in this rule, "policies" includes program manuals, administrative directives, transmittals, and other official written pronouncements of state or federal policy.

(b) This rule shall be construed in a manner as to provide all parties with an adequate opportunity to be heard in accordance with due process of law. As used in this rule, "party" means:

- (1) a person or an entity to whom the agency action is specifically directed; or
- (2) the DFR.

(c) In the event that a provision of this rule is deemed to be in conflict with a provision of federal or state statute, regulation, or rule that is specifically applicable to a program being appealed in accordance with this rule, then the other statute, regulation, or rule shall supersede that part of this rule in which the conflict is found. (*Division of Family Resources; 470 IAC 1-4-1; filed May 22, 1987, 12:45 p.m.: 10 IR 2277, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3073; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))*

470 IAC 1-4-2 Standing

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13](#)

Sec. 2. (a) In the event that the rights, duties, obligations, privileges, or other legal relations of a person or an entity are required or authorized by law to be determined by the DFR, then the person or entity may request, as provided for in section 3 of this rule, an administrative hearing under this rule. The person or entity requesting the hearing shall be known as the appellant.

(b) Unless otherwise provided for by law, only those persons or entities, or their respective attorneys at law, whose rights, duties, obligations, privileges, or other legal relations are alleged to have been adversely affected by an action or a determination by the DFR may request an administrative hearing under this rule. Alleged harm to an appellant must be direct and immediate to the appealing parties and not indirect and general in character. (*Division of Family Resources; 470 IAC 1-4-2; filed May 22, 1987, 12:45 p.m.: 10 IR 2278, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3074; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))*

470 IAC 1-4-3 Filing an appeal; scheduling appeals

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 4-15-10.5](#); [IC 4-21.5](#); [IC 12-13](#); [IC 31-16-15](#)

Sec. 3. (a) A party complaining of a division action in accordance with this rule may file a request for an administrative hearing as provided in this section.

(b) Unless otherwise provided for by statute, regulation, or rule, appeal requests by recipients or applicants shall be filed in writing with the DFR or the family and social services administration document center as provided on the notice of agency action. Appeals of decisions of the SNAP by recipients or applicants may be made orally. The appeal request must be received by close of business not later than:

- (1) thirty-three (33) days following the effective date of the action being appealed; or
- (2) thirty-three (33) days from the date of the denial notice;

whichever is later.

(c) For purposes of this section, "close of business" means 4:30 p.m., local time, on a business day where the appeal is received. If the thirty-third day is a:

- (1) Saturday;
- (2) Sunday;
- (3) state holiday; or
- (4) day the office in which the act is to be done is closed during regular business hours;

the appeal request must be received by the close of business the next business day. An appeal request received after close of business on the thirty-third day is untimely and invalid.

- (d) Unless otherwise provided for by statute, regulation, or rule, appeal requests by licensees or prospective licensees shall:
- (1) be filed in writing by the aggrieved party or its attorneys at law;
 - (2) set out each objection to the division's actions as well as cite the legal reasons for them; and
 - (3) be delivered to the DFR by close of business within thirty-three (33) days after receipt of the initial notice upon which the appeal is premised.

Failure to state objections and the legal reasons for them, in a timely manner, shall be deemed a waiver of the objections.

(e) Appeals by Medicaid applicants and recipients concerning Medicaid eligibility or services shall be filed and conducted in accordance with rules promulgated by the office of the secretary of family and social services under 405 IAC. Medicaid provider appeals shall be filed and conducted in accordance with rules promulgated by the office of the secretary of family and social services under 405 IAC and the provisions of [IC 4-21.5](#).

(f) All requests for income withholding appeals by child support obligors in Title IV-D cases shall be made and all income withholding appeal hearings shall be conducted in accordance with the provisions of [IC 31-16-15](#).

(g) The DFR or the office of administrative law proceedings, upon application of a party, or in its own discretion, may consolidate appeals to promote administrative efficiency. Hearings may only be consolidated in cases in which the sole issue involved is one of federal or state law or policy.

(h) A party filing an appeal under this rule is not excused from exhausting all interim procedures that may be required by statute or rule for administrative review prior to the filing of an appeal. Issues not preserved in a timely manner within the interim review procedures are waived and shall not be an issue during the evidentiary hearing.

(i) Unless otherwise provided for by statute, regulation, or rule, appeal hearings will be governed by the policies and procedures established under [IC 4-15-10.5](#). (*Division of Family Resources; 470 IAC 1-4-3; filed May 22, 1987, 12:45 p.m.: 10 IR 2278, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3074; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Feb 17, 2012, 10:45 a.m.: 20120314-IR-470110725FRA; readopted filed Aug 23, 2013, 3:36 p.m.: 20130918-IR-470130306RFA; readopted filed Nov 13, 2019, 11:56 a.m.: 20191211-IR-470190490RFA; filed Aug 28, 2023, 9:55 a.m.: 20230927-IR-470230215FRA*)

470 IAC 1-4-4 Conduct and authority of administrative law judge

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13](#)

Sec. 4. (a) An administrative law judge's (ALJ) conduct shall be in a manner that promotes public confidence in the integrity and impartiality of the administrative hearing process. The ALJ who conducts a hearing is prohibited from:

- (1) consulting any party or party's agent on any fact in issue unless upon notice and opportunity for all parties to participate;
- (2) performing any of the investigative or prosecutorial functions of the agency in the administrative action heard or to be heard by him or her or in a factually related administrative or judicial action;
- (3) being influenced by partisan interests, public clamor, or fear of criticism;
- (4) conveying or permitting others to convey the impression that they are in a special position to influence the ALJ;
- (5) commenting publicly, except as to hearing schedules or procedures, about pending or impending proceedings; or
- (6) engaging in financial or business dealings that tend to:
 - (A) reflect adversely on his or her impartiality;
 - (B) interfere with the proper performance of his or her duties;
 - (C) exploit the ALJ's position; or
 - (D) involve the ALJ in frequent financial business dealings with attorneys or other persons who are likely to come before the ALJ.

(b) An ALJ shall disqualify himself or herself in a proceeding in which his or her impartiality might reasonably be questioned, or in which the ALJ's personal bias, prejudice, or knowledge of a disputed evidentiary fact might influence the decision. Nothing in this subsection prohibits a person who is an employee of an agency from serving as an ALJ.

(c) The ALJ shall be authorized to:

- (1) administer oaths and affirmations;

- (2) issue subpoenas;
- (3) rule upon offers of proof;
- (4) receive relevant evidence;
- (5) facilitate discovery in accordance with the Indiana rules of trial procedure;
- (6) regulate the course of the hearing and conduct of the parties;
- (7) hold informal conferences for the settlement or simplification of the issues under appeal;
- (8) dispose of procedural motions and similar matters; and
- (9) exercise such other powers as may be given by the law relating to the particular program area under appeal.

(Division of Family Resources; 470 IAC 1-4-4; filed May 22, 1987, 12:45 p.m.: 10 IR 2278, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3075; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#))

470 IAC 1-4-5 Conduct of hearing; hearing decision

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13](#)

Sec. 5. (a) The administrative law judge (ALJ) shall conduct the hearing in an informal manner and without recourse to the technical common law rules of evidence.

(b) The ALJ shall exclude from consideration irrelevant, immaterial, or unduly repetitious evidence.

(c) Each party shall have the right to submit evidence. In the event that an objection to evidence is sustained, the party proffering the evidence may make an offer of proof. Each party shall have the right to cross-examine the witnesses and offer rebutting evidence.

(d) Following the completion of the hearing, or after the submission of briefs by the parties (if briefing is permitted by the ALJ), the ALJ shall issue their decision in the matter concurrently to the parties. The decision shall be final unless a party requests agency review of the decision in accordance with this rule. The decision of the ALJ in a SNAP intentional program violation hearing or TANF intentional program violation hearing is a final agency decision.

(e) The ALJ's decision shall:

- (1) include findings of fact;
- (2) specify the reasons for the decision; and
- (3) identify the evidence and statutes, regulations, rules, and policies supporting the decision.

(f) The findings of fact need not include a recitation of each piece of evidence admitted in the evidentiary hearing. Rather, the findings shall contain the basic facts that have formed the basis for the ALJ's ultimate decision. The decision must demonstrate a rational connection between the basic facts found by the ALJ and the ALJ's ultimate decision. The ALJ's decision must also cite the relevant laws upon which the ultimate decision is based, and relate the facts to the law. *(Division of Family Resources; 470 IAC 1-4-5; filed May 22, 1987, 12:45 p.m.: 10 IR 2279, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3076; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))*

470 IAC 1-4-6 Agency review

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13](#)

Sec. 6. (a) Except for SNAP intentional program violation hearings and TANF intentional program violation hearings, a party that is not satisfied with the decision of the administrative law judge (ALJ) may request agency review of the decision within ten (10) days of receipt thereof in accordance with instructions issued with the decision.

(b) After receiving a request for agency review of a hearing decision, the family and social services administration (FSSA) shall notify all parties when the decision will be reviewed. The agency review shall be completed by the division director or the director's designee. All reviews shall be conducted upon the record, as defined in section 7 of this rule, except that a transcript of the

oral testimony shall not be necessary for the review unless a party requests that one be transcribed at the party's expense.

(c) No new evidence will be considered during the agency review; however, a party wishing to submit a memorandum of law, citing evidence in the record, may do so pursuant to instructions issued by the FSSA.

(d) The director of the DFR, or the director's designee, shall review the ALJ's decision to determine if the decision is supported by the evidence in the record and is in accordance with the statutes, regulations, rules, and policies applicable to the issues under appeal.

(e) Following the review of the director or their designee, the director or designee shall issue a written decision:

- (1) affirming the decision of the ALJ;
- (2) amending or modifying the decision of the ALJ;
- (3) reversing the decision of the ALJ;
- (4) remanding the matter to the ALJ for further specified action; or
- (5) make an order or a determination as is proper on the record.

(f) The parties will be issued a written notice of the action taken as a result of the agency review. If the decision of the ALJ is reversed, amended, or modified, the director or their designee shall state the reasons for the action in the written decision.

(g) The FSSA shall distribute the written notice on agency review to:

- (1) all parties of record;
- (2) the ALJ who rendered the decision following the evidentiary hearing; and
- (3) any other person designated by the director or their designee.

(Division of Family Resources; 470 IAC 1-4-6; filed May 22, 1987, 12:45 p.m.: 10 IR 2279, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3076; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

470 IAC 1-4-7 Agency record; judicial review

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 4-21.5-3-33](#); [IC 4-21.5-5](#); [IC 12-13](#)

Sec. 7. (a) The record of the administrative proceedings shall be as indicated in [IC 4-21.5-3-33](#).

(b) If the appellant is not satisfied with the division's final action after agency review, the appellant may file a petition for judicial review in accordance with [IC 4-21.5-5](#).

(c) The appellant is required to seek agency review prior to filing a petition for judicial review except in the case of SNAP intentional program violation hearings and TANF intentional program violation hearings. *(Division of Family Resources; 470 IAC 1-4-7; filed May 22, 1987, 12:45 p.m.: 10 IR 2280, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3077; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))*

470 IAC 1-4-8 Waiver; SNAP and TANF disqualification hearings

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13](#)

Sec. 8. (a) An individual who is alleged to have committed an intentional SNAP or TANF program violation and who has received notice of the allegations and evidence against them may waive their right to an administrative hearing as provided in 7 CFR 273.16, pertaining to the SNAP, or 45 CFR 235.113, pertaining to the TANF program.

(b) The individual alleged to have committed an intentional program violation shall be notified that they may waive their right to an administrative disqualification hearing, and the notice shall advise the individual of the consequences of waiving the right to an administrative disqualification hearing as provided in 7 CFR 273.16 or 45 CFR 235.113.

(c) The notice shall provide an opportunity for the accused to specify whether or not they admit to the allegations. *(Division of Family Resources; 470 IAC 1-4-8; filed May 22, 1987, 12:45 p.m.: 10 IR 2280, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3077; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-](#)*

DIVISION OF FAMILY RESOURCES

[470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

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