
HEARINGS

HEARING PROCEDURES

**B. WHEN A
HEARING
IS REQUIRED**

The agency must grant an opportunity for a hearing to any applicant who requests it because his claim for services is denied or is not acted upon with reasonable promptness; and, any recipient who requests it because he/she believes the agency has erroneously taken action to reduce or terminate benefits. **The agency need not grant a hearing if the sole issue is a Federal or State law requiring an automatic change adversely affecting some or all recipients.**

**C. REQUESTING
A HEARING**

A request for a hearing, either State or local, must be made in writing by the client or his legal representative. "Legal representative" includes the authorized representative, an attorney retained by the client or client's family to represent the client, a paralegal representative with a legal aid service, a parent of a minor child (if the client is a child), a legal guardian or conservator or an individual with power of attorney for the client. A request for a hearing may be made orally but the hearing will not be scheduled until the request is in writing. The worker will assist the client in submitting and processing the request, as outlined below.

**1. Requesting
A Hearing
In Person**

The client may come to the Regional Office or meet with a worker in person to request a hearing. The worker must determine first what level of hearing is desired, either local or State. If the client is unsure as to the type hearing desired, the worker will explain the difference between the two levels of appeal and explain that a State hearing may still be available if the local hearing decision is adverse (unless a State level hearing is required). The worker will have the client complete and sign DOM-350 if a local hearing is desired or DOM-352 if a State hearing is desired. If a State hearing is required or requested, the worker may forward the request to the appropriate Hearing Officer or the client may wish to mail the request to the address listed on the form. The appropriate form will be completed in accordance with the instructions for the form.