
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 Eligibility Division in the State Office 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.

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- 2. Filing A Request In Writing**
- The client may make the written request for a hearing by letter. A simple statement requesting a hearing that is signed by the client or legal representative is sufficient; however, if possible, the client should state the reason for the request. The letter may be mailed to the Regional Office or it may be mailed to the State Office. If the letter does not specify the type of hearing desired, either local or State, the worker will contact the person making the request to determine the level of hearing desired. If contact cannot be made within three (3) days of receipt of this request, assume the request is for a local hearing and schedule accordingly unless a State hearing is required. If a State hearing is specified or required, the letter will be forwarded to the Eligibility Division in the State Office.
- 3. Oral Requests For A Hearing**
- An oral request must be put into written form. When an oral request is made, the worker will to the person requesting the hearing that the request must be put in a letter (or signed statement) and mailed to the Regional Office or the worker will mail the appropriate form to the client for signature. The worker will explain that a hearing will not be scheduled until either a letter or the appropriate form is received by the Regional or State Office.
- D. TIME LIMIT FOR FILING A HEARING**
- The client has 30 days from the date the worker signs and mails the appropriate notice to the client to request either a State or local hearing. This 30-day filing period may be extended if the client can show good cause for not filing within 30 days. Good cause includes, but may not be limited to, illness, failure to receive the notice, being out of state, or some other reasonable explanation. If good cause can be shown, a late request may be accepted provided facts in the case remain the same. If a client's circumstances have changed or if good cause for filing a request beyond 30 days does not exist, a hearing request will not be accepted. If the client wishes to have his eligibility reconsidered, he may reapply.