
HEARINGS

HEARING PROCEDURES

**I. SCHEDULING
THE HEARING**

Upon receipt of a written request for a hearing, the request will be acknowledged in writing and the hearing scheduled. If a local hearing is requested, the Regional Office will notify the client or representative in writing of the time and date of the local hearing. The letter scheduling a local hearing will be prepared in duplicate. The original is given or mailed to the client or representative and the copy is filed in the case record. If a State hearing is requested, the State Office will notify the appropriate person in writing of the time and date of the State hearing. The letter scheduling a State hearing will be prepared in triplicate with the original mailed to the client or representative, a copy mailed to the appropriate Regional Office to be filed in the case record, and a copy filed in the State hearing folder.

A hearing pamphlet will be included with the letter scheduling either a local or a State hearing.

The notice scheduling the time and date of the hearing, either local or State, must be mailed to the client at least five (5) days before the day the hearing is scheduled.

**J. ATTENDANCE
AT THE
HEARING**

A State or local hearing is not open to the public. All persons attending the hearing will attend for the purpose of giving information on behalf of the claimant or rendering him assistance in some other way, or for the purpose of representing the Medicaid Agency. All persons attending the hearing will be asked to give information pertinent to the issues under consideration.

**K. WITHDRAWN
ABANDONED
HEARINGS**

The hearing process is initiated by a written request and can be terminated only by a written statement whereby the client or representative withdraws the request for a hearing. A State or local hearing request may be withdrawn at any time prior to the scheduled hearing, or after the hearing is held but before a decision is rendered. The withdrawal must be in writing and signed by the client or representative.

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A hearing request will be considered abandoned if the client or representative fails to appear or is unavailable for a scheduled hearing without good cause. If no one is available for a hearing, the appropriate office will notify the client in writing that the hearing is dismissed unless good cause is shown for not attending. The proposed adverse action will be taken on the case following failure to appear for a hearing if the action has not already been effected.

**L. RIGHTS OF
THE CLIENT**

The client or his/her representative has the following rights in connection with a local or State hearing:

- The right to examine at a reasonable time before the date of the hearing and during the hearing the content of the applicant's or recipient's case record.
- The right to have legal representation at the hearing and to bring witnesses.
- The right to produce documentary evidence and establish all factors and circumstances concerning eligibility.
- The right to present an argument without undue interference.
- The right to question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.