
HEARINGS

HEARING PROCEDURES

- 2. Issuing Local Hearing Decision** The Regional Office staff member who held the hearing will carefully consider the facts presented at the local hearing in rendering the local hearing decision. When a decision has been reached by the worker, the client must be notified of the local hearing decision via DOM-351. This form must be used in notifying the client since it advises the client of the right to request a State hearing. Form DOM-351 must clearly state the reason for the decision and the policy which governs the decision. Also, if the hearing is denied, the new effective date of closure or reduced benefits must be included on the form if continuation of benefits applied during the hearing process. (A second Notice of Adverse Action is not required.) The new effective date of closure or reduced benefits must include a date in effect at the end of the 15-day advance notice period allowed via DOM-351. If a State hearing is requested within the 15-day advance notice period and continuation of benefits applies, the State Office will notify the client of any new effective date of closure, reduced benefits, or other revised eligibility dates via the State hearing decision letter.

- O. REQUEST FOR STATE HEARING FOLLOWING ADVERSE LOCAL DECISION** The client has the right to appeal a local hearing decision by requesting a State hearing, but the State hearing request must be made in writing within 15 days of the mailing date of the DOM-351. This means that the written request for the State hearing must be received by the Regional or State Office Eligibility Division on or before the 15th day after the local hearing notice is mailed. If the State hearing is requested orally, then the claimant must be informed that the request be put into writing and received within the allotted time period of 15 days.

If benefits have been continued pending the local hearing decision, then benefits will continue throughout the 15-day advance notice period for an adverse local hearing decision. If a State hearing is timely requested within the 15-day period, then benefits will continue pending the State hearing decision.

State hearings requested after the local hearing advance notice period will not be accepted unless the 30-day period for filing a hearing request has not expired because the local hearing was held early. Refer to "Time Limit for Filing a Hearing Request."