
General Assistance Handbook 90-06.00: General Assistance Appeals Process

Effective Date: November 30, 2007
Revised Date: August 11, 2010
Published By: E111

SUMMARY:

This procedure will provide instructions on the Appeals process for the General Assistance (GA) program for Economic Benefits Department (EBD) Eligibility Technicians (ET) and Employment Services Division (ESD) ETs, Employment Counselors (EC), and Social Workers (SW).

GENERAL:

GA regulations provide applicants and/or recipients an avenue for disputed issues involving County actions, or inactions. GA applicants and/or recipients may request a hearing to dispute any action taken by, or inactions on the part of, the Agency regarding their application or benefits. Applicants/ recipients have 90 days from the date of notice to request an appeal. If notice was not provided, they may request a hearing at any point.

The applicant/ recipient has the right to authorize another person, or a legal assistance group, to represent them during the hearing process. An individual requesting a hearing is referred to as a claimant (used in the following).

Workers (ETs, ECs, SWs) need to make sure that all relevant documents are available for Appeals staff to review, that timely and adequate notice was mailed or given regarding the action(s) taken, and that CalWIN has been correctly documented. The action will not be upheld in Appeals otherwise.

“Adequate notice” requires the following information on the Notice of Action:

- The mailing address is most current address reported by the applicant/ recipient:
- The proposed action:
- The reason(s) for the proposed action:
- The regulation(s) for the proposed action are cited;
- Information regarding the right to request a hearing; and
- Information on eligibility for Aid Paid Pending.

Appeals Officers (AO) have the authority under State regulation to negotiate actions on behalf of the County, and to represent the County in a State Appeals hearing. These regulations also apply to the GA Appeals process. AOs also have the authority to require the attendance of staff as witnesses at hearings.

Hearing Officers (HO) have the authority to write a proposed decision for the Agency. HOs will make an impartial decision, considering the information presented in hearing. All decisions are reviewed and adopted by the Agency Director.

SPECIFICS:

A. The Claimant Requests an Appeal

GA claimants may request hearings either in writing or by telephone, by contacting Appeals in the Program Integrity Division. Written requests may be sent to:

Appeals Unit, Fair Hearings Request 7751 Edgewater Drive Oakland, CA 94621.

Oral requests may be made by calling the GA Appeals Clerk at (510) 208-0995.

The Appeals Unit is responsible for scheduling hearings and determining the appeals actions to be taken.

If EBD or ESD staff receives a written request for hearing, the request must be faxed to the Appeals office by the end of the work day at fax number (510) 777-2699. The original request must be sent by QIC code to the PID Program Manager. If a verbal request is made, refer the claimant to the Appeals unit.

1. Appeals staff will document the hearing request in the CalWIN system.
2. *Aid Paid Pending*

EBD and ESD staffs are **not responsible for initiating** Aid Paid Pending.

- An Appeals Compliance ET will determine if the claimant is eligible for, and will authorize, Aid Paid Pending.

Aid Paid Pending is only issued on recipient cases, and will be limited to the amount that was issued in the month prior to the disputed action. If Aid Paid Pending is authorized, a flag will appear in CalWIN on the Display Eligibility Summary screen, Aid Paid Pending column.

- **EBD and ESD staffs are responsible** for all ongoing eligibility determinations and case actions. All case determinations and actions should continue. If a new action is required (a new discontinuance or decrease action), regardless of the Aid Paid Pending or hearing status, staff must take appropriate actions, run EDBC as appropriate, and send adequate notice for all new action(s).
 - No action can be taken on **the appealed issue**. The Appeals Officer will determine the case resolution and will notify the Eligibility Technician of any required actions.
 - EBD and ESD staffs are responsible to end Aid Paid Pending when notified by the AO.
3. The Appeals unit will schedule a hearing as soon as administratively possible.
 4. The issue is assigned to an Appeals Officer to review for the correctness of the County action, and determination of the appropriate resolution.
 5. Claimants, or their Authorized Representatives (AR), may request a postponement of the General Assistance hearing for a good cause reason. Requests are to be made prior to the scheduled hearing date.
 6. If a claimant or AR does not appear for the scheduled hearing, and the issue has not been otherwise resolved, the hearing will be dismissed for abandonment.
 7. Claimants may request to re-open a missed hearing within 15 days from the date of the dismissal decision. A re-opening may be granted, if the claimant had good cause for missing the hearing.
 8. Good cause reasons for postponements, or for re-opened hearings, include but are not limited to:
 - A death in the family.
 - Personal illness or injury to the claimant or AR.
 - Sudden or unexpected events that prevents the claimant or AR from attending the hearing.
 - The claimant or AR 's conflicting medical, court, or court-ordered appointments that can't be rescheduled or postponed.

Appeals may request verification of the reason for the postponement or re-opened hearing request.

9. A hearing may also be continued to a later date or held open for additional information. To hold the record open, the claimant must agree in writing; the record may be held open for no more than 15 days. An extension may be granted at the discretion of the hearing officer. The Hearing Officer will document the waiver on form 90-12, General Assistance Time Waiver.
10. Appeals will make all determinations regarding Aid Paid Pending, the method of hearing (whether in the Appeals office, at another location, or by telephone), and whether a hearing is to be postponed, continued, held open, or re-opened.
11. HOs are expected to render a decision within 90 days from the hearing date. Hearings postponed, re-opened, continued, or left open, require the claimant to waive the 90 day period for a decision.
12. Hearing decisions will be adopted within 15 days of the proposed Hearing Decision from the HO.

B. Appeals and Eligibility Actions on a Hearing Request

AOs will determine if the disputed County action(s) can be upheld in hearing.

- If the County's action was correct or is a matter of jurisdiction, the AO will attempt to negotiate a Withdrawal of the issue.
- If the action was determined to be incorrect or can't be upheld in hearing, the AO will attempt to resolve the issue by a Conditional Withdrawal.
- If the claimant will not withdraw or the issue is complicated by other factors, the case will be prepared for hearing.

After the case resolution has been determined and all Appeals actions completed, the Appeals documentation will be imaged to Web Files, under the Third Party Review category.

Withdrawals

1. If the applicant or recipient understands that the County action was correct or that there is no jurisdiction for a hearing, and the claimant agrees to withdraw the hearing, the Officer will prepare a written Withdrawal and mail it to the claimant for signing.
If the Withdrawal is completed verbally, the AO must complete Case Comments documenting the hearing outcome.
2. If the disputed action was a discontinuance of aid or a decrease in the grant, the AO will contact the ET to stop Aid Paid Pending and re-initiate the disputed action.
3. **Do not send new notice** regarding issues that have been withdrawn from hearing. The ET must suppress all CalWIN generated notices for this action.
4. Any Aid Paid Pending that was paid must be computed as a client caused overpayment, and should be collected from future month grants, as applicable.

5. If an Aid Paid Pending overpayment occurred, the Eligibility Technician will send a notice to the recipient regarding the new overpayment. The Notice must include the payment period, the total overpayment amount, and that the overpayment occurred due to receipt of Aid Paid Pending.

Conditional Withdrawals

1. If it is determined that the disputed action was either not correct, that there were extenuating circumstances that should be considered, or that the notice provided to the claimant was inadequate, the AO will offer the claimant a Conditional Withdrawal.
2. The AO will determine what corrective actions are needed and explains what specific actions that must be completed by either party (County and/or claimant). If the claimant agrees, the AO will prepare a written Conditional Withdrawal and mails it to the claimant for signing.
3. The AO will also prepare a Conditional Withdrawal Action form to be sent to EBD and/or ESD staff, detailing the actions needed to correct the case.
4. The Action form will be sent to the designated division staff; copies will be sent to the appropriate supervisor and Program Manager. Aid Paid Pending stops after the case is Conditionally Withdrawn. The Action form will note if an overpayment must be created due to Aid Paid Pending.
5. The supervisor is responsible for verifying all actions have been completed. The supervisor documents the Action form with the completed actions. The form is imaged and a copy is returned to the AO.
6. The claimant may re-open the hearing, if the completed actions haven't resolved the issue.

Cases to be taken to hearing

1. The AO will prepare a Position Statement, which details the case history and actions are disputed. The Position Statement must cite the relevant sections of the GA regulations.
2. The AO will determine if any witnesses will be needed at the hearing. The AO will contact EBD and/or ESD staff (including the supervisor) to inform them of the hearing date. The AO will also arrange to subpoena any non-County witnesses that are needed at the hearing.
3. The AO will provide a copy of the Position Statement to the claimant and/or the AR prior to the hearing.
 - o Claimants may request a copy of the Position Statement up to 48 hours in advance of their scheduled hearing.
4. A copy of the Position Statement is provided to the HO before the hearing begins.
5. The AO explains the hearing process to the claimant and/or the AR.
6. The hearing will be taped and all testimony is given under oath or affirmation.
7. The Position Statement is summarized for the hearing record. The AO will answer questioning from the HO, claimant or the claimant's AR.
8. County Witnesses will testify on the actions taken or on other relevant information that substantiates the County action. Witnesses will answer questioning from the AO, HO, claimant, or claimant's AR.
9. The claimant or AR will present the claimant's position, answering any questions from the HO or the AO.
10. The HO will render a written decision. This will be sent to the Agency Director for review and adoption. If the Director has questions the decision, the issue will be sent back to the HO for further consideration.
11. When the decision is adopted, the claimant and/or the AR are sent a copy. The Appeals Compliance unit will also receive a copy. The case will be assigned to a Compliance worker to complete all actions as required by the decision.
12. When all compliance actions are completed, the case will be returned to the EBD ET for closing or continuing case actions.

Claimant does not appear for hearing

1. If the claimant does not appear for the scheduled hearing, and the issue has not been already resolved, the hearing will be considered abandoned.
2. Appeals will issue a written dismissal decision for abandonment within 15 days of the hearing date. The decision informs the claimant that they may file a dispute of this action in Superior Court; no further hearing rights exist at the Appeals level.
3. The decision will be assigned to an Appeals Compliance ET to stop Aid Paid Pending as well as to re-initiate the disputed action. No new Notice will be sent.
4. The Compliance ET will determine if an Aid Paid Pending overpayment has occurred, and will document CalWIN. The Compliance ET will send adequate notice to the claimant, and will inform the EBD ET to begin collection when appropriate.

Reference:

General Assistance regulations 9-6
State Appeals Regulations- **CHAPTER 22-000, STATE HEARINGS**

Yolanda Baldovinos, Director
Social Services Agency