

**County of San Diego, Health and Human Services Agency (HHS)**  
**General Relief Program Guide (GRPG)**

**Hearing Process**

**Number**

**Page**

**90-900.3**

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**Issue Date:**

June 15, 2015

**Effective Date:**

Upon receipt

**General:**

**90-900.3.A**

GR Hearings are usually held without the worker present. Therefore, it is essential the case record have sufficient documentation to stand alone. However, upon a 1 work day advance notice, the worker may be requested to be on stand-by to give telephone testimony. If the presence of the worker has been requested, it will also be with 1 work day advance notice and will be considered County release time. If the worker is on approved leave, the applicant/recipient will have the option to proceed without the worker's presence or to have the hearing continued until the worker can be present. Aid Paid Pending (APP) should be paid if the hearing is rescheduled due to the worker's unavailability. For a worker on stand-by, interviews with the applicants/recipients at Family Resource Centers (FRCs) are not to be interrupted for the hearing. The applicant/recipient will have the option to proceed without the worker's testimony or to have the hearing continued when the worker is available.

The Hearing Officer will determine if additional witnesses, not present at the hearing, must be contacted to ensure a fair rendering of a decision. If appropriate, the Hearing Officer will use the speaker-phone in the hearing room to contact witnesses. This affords the applicant/recipient the opportunity to confront and cross-examine adverse witnesses. The telephone in the hearing room will have conference call capability, enabling all parties' equal access to the entire conversation.

The Hearing Officer will review the case file and admit items into evidence during the hearing with a detailed description (for example, Case Comments from March 1, 2011 through May 30, 2011 or NOAs dated May 20, 2011). Copies of the items admitted into evidence may be provided to the customer or representative (with the exception of items that by rule are not to be provided).

If additional information is needed and the witness is not available during the hearing, the Hearing Officer will request the information in writing and copy the customer or representative on the request and response. There will be no phone calls or other gathering of information not in the presence of the customer or representative outside of the hearing. The customer or representative will be allowed the opportunity to respond to or refute the additional information that was obtained. If needed, a continued Hearing could be scheduled.

**\*\*The settlement agreement in the WRO v. Bacon decision provides that each GR Hearing will be tape recorded.\*\***

**Purpose:**

To provide instructions for reception in the GR hearing process.

**Policy:**

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Follow the requirements identified below for the GR hearing process.

**Procedure:**

**90-900.3.B, Hearing Procedures**

The table below shows the actions for the GR Hearing and the responsible individual.

<b>Step</b>	<b>Responsibility</b>	<b>Action</b>
1	GR Hearing Officer	Explain how the hearing will be conducted.
2		Follow requirements under <u>WRO v. Bacon</u> noted in <a href="#">90-900.4.D</a> .
3		Administer an oath or affirmation to the applicant/recipient and any witnesses to tell the truth of the facts as they relate to the issue.
4		Administer an oath or affirmation to any interpreter or translator requiring an accurate translation.
5		Conduct the hearing in a fair and impartial manner.
6		Record notes for hearing decision preparation.
7		Limit the issues to those which are reasonably related to the request for hearing.
8		Review the proposed County action and the preceding events point-by-point.
9		Evaluate the witness' credibility, apparent knowledge of the facts, and extent of memory of the facts related.
10		Ensure the hearing rights of the applicant/recipient are observed.
11	Appeals Manager	Routinely review all GR Hearing decisions.

**90-900.3.C, General Provisions for Hearing Decisions**

- A decision is to be completed within 15 calendar days from the date of the hearing. Extenuating circumstances are to be documented and APP extension may be required
- The GR Hearing Clerk will image the decision in CERMS and distribute copies to the following:
  - Applicant/recipient
  - GR Hearings files in the Appeals Section
  - Authorized Representative, if any
- The GR Hearing Officer will note the reduction/adjustment in the Work Project (WP) or Job Searches (JS) in the decision
- \*\*The Appeals Manager will routinely review all GR hearing decisions\*\*
- Aid will be retroactively granted when a denial is found in error. If otherwise eligible, the effective date of aid and the date of the lien will be the date of application or when all eligibility factors are met, whichever is later
- Aid will be retroactively granted to the effective date of the adverse action when a discontinuance or grant reduction is found in error
- The FRC will take action to grant or restore aid within 30 days of the date of the decision.

<b>If ...</b>	<b>Then ...</b>
APP has been	it will be adjusted out of the aid payment.

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issued,	
the decision is against the claimant,	APP will be considered an overpayment.
the FRC disagrees with the decision,	a review may be requested after the decision has been implemented and all documents are imaged in the case record. The entire case, with a letter/memo explaining the area(s) of disagreement, including GRPG references, will be sent to the Appeals Manager. The Appeals Manager will review the hearing decision and provide a written response to the FRC Manager.

**90-900.3.D, Retroactive Aid v. New Application**

The table below shows if a new application or retroactive aid will be required.

<b>When ...</b>	<b>Then ...</b>
the denial action was not in accordance with regulations and all other eligibility factors were met at the time of the denial,	retroactive aid will be paid.
the discontinuance or reduction of aid was not in accordance with regulations,	
the recipient presents verification of attendance at a WP when the discontinuance was due to non-attendance,	
verification of good cause for failure to meet JS or WP requirements is provided,	
a denial is overturned by the hearing decision but all other eligibility factors were not met at the time of the denial,	a new application will be required.
the recipient was provided the opportunity to verify JS contacts but failed to do so at that time without good cause, but later provides the verification at the hearing,	
Note: In this situation, the GR Hearing Officer will find for the County but will waive the sanction or penalty.	

**Impacts:**

**Other Programs Impacted:**

None

**References:**

GRPG Letters [68](#), [77](#), and [81](#)

**Sunset Date:**

This policy will be reviewed for continuance by June 30, 2018.