

# General Relief (GR) Program Guide (PG) Letter #77

October 15, 2014

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**Subject**            **CONDITIONAL WITHDRAWAL (CWD)/OUT OF HEARING RESOLUTION (OHR) HEARING PROCEDURES AND CLARIFICATIONS FOR SAWS 2 PLUS, REDETERMINATION NOTIFICATIONS, AND AB COUNTY MOVE**

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**Effective**            Upon receipt.

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**Reference**            County Policy  
Program Inquiry 14-01

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**Purpose**                To provide:

- clarification for SAWS 2 PLUS
- options for redetermination notifications
- instructions for when an AB individual moves to San Diego County from another county in California
- instructions for CWD/OHR in County Hearings.

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**Background**            The SAWS 2 Plus includes the application questions from the SAWS 1 Plus and previously was not accepted as an application for GR.

Employable with Limitations (EL) and Interim Assistance Program (IAP) recipients must have their eligibility to GR periodically redetermined. Workers currently use the 11-39 HHSA to inform recipients of the redetermination appointment.

Most counties in California have time limits for AB recipients. To reduce the possibility of an individual circumventing this requirement by moving to another county, many of these counties also honor the time limits from other counties.

The State programs already have a CWD/OHR process. The County Programs have not had such a process and have used a County Hearing decision to resolve a County Hearing request.

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**Highlighted Changes**            The SAWS 2 Plus may now be accepted for the application as well as the Statement of Facts for GR.

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### Highlighted Changes (continued)

For the redetermination notice, it is the worker's option to use either the 11-39 HHSA or the CSC 35 to notify the recipient of the redetermination appointment.

The GRPG has been updated to include information regarding the determination of the period of months that an individual may be eligible for when moving to San Diego County from another California county. There is no impact to the Period of Eligibility or 12-month period when an individual moves from another state.

A CWD/OHR process has now been added for County Hearings. The County has added this process to the County Hearings to:

- provide a faster resolution when the case actions are in error
  - reduce the number of County hearing requests that need to go to a hearing
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### Required Action

Workers must follow the instructions in the GRPG for determining the number of months an individual will be eligible to when moving to San Diego County from another county. This will be based on the time limits in the County from which they moved. Note: Residence requirements in San Diego County must still be met for these individuals.

The Appeals Representative (not the Hearing Officer) will review the GR case within one work day of the receipt of the GR hearing request and will follow the requirements in GRPG 90-900.2.N.

The worker must comply with an OHR within 30 days of the date the CWD was signed.

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### Automation Impact

No impact.

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### Forms Impact

No impact.

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### Scanning Impact

No impact.

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*Continued on next page*

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**Access  
Impact**

No impact.

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**CMS Impact**

CMS Hearings will also follow this new CWD/OHR hearing process. CMS instructions will be issued in a separate CMS Program Guide Letter.

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**Quality  
Control (QC)  
Impact**

QC is not conducting reviews of GR cases at this time.

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**Appeals  
Impact**

Appeals must follow the requirements in GRPG 90-900.2.

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**Summary of  
Changes**

The table below shows the changes to the GRPG.

<b>Section</b>	<b>Changes</b>
<a href="#">90-100.1</a>	Added SAWS 2 Plus
<a href="#">90-100.2</a>	Added SAWS 2 Plus
<a href="#">90-100.4</a>	Added optional forms
<a href="#">90-100.8</a>	Moved to 90-200.4
<a href="#">90-200.4</a>	Section moved from 90-100.8
<a href="#">90-700.4</a>	Added instructions for when AB individual moves to San Diego County.
<a href="#">90-700.18</a>	Moved sanctions information to 90-700.19
<a href="#">90-700.19</a>	Section moved from 90-700.18
<a href="#">90-900.2</a>	<ul style="list-style-type: none"><li>• Added CWD/OHR requirements.</li><li>• Added Good Cause for late filing.</li><li>• Revised "Section Chief" to "Appeals Manager."</li></ul>
<a href="#">90-900.3</a>	Revised "Section Chief" to "Appeals Manager."

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**Approval for  
Release**

 10-13-14

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## 90-100.01. RECEPTION

### B. Clerical/ Reception Desk

The Clerical Reception Desk must follow the actions in the table below when an individual requests an application for GR.

Step	Action																		
1	<p>Give the applicant the GR Pre-application packet including forms:</p> <table border="1"> <thead> <tr> <th>Form #</th> <th>Title</th> </tr> </thead> <tbody> <tr> <td>11-38 HHSA</td> <td>Coversheet</td> </tr> <tr> <td>11-68 HHSA</td> <td>Directory of Employment Services</td> </tr> <tr> <td>11-79 HHSA</td> <td>Identification Requirements</td> </tr> <tr> <td>16-94 HHSA</td> <td>Welcome Form</td> </tr> <tr> <td>GEN 1365</td> <td>Notice of Language Needs</td> </tr> <tr> <td>CSF 47</td> <td>Shared Housing Statement</td> </tr> <tr> <td>16-54 HHSA</td> <td>Sharing Information with Housing Authorities</td> </tr> <tr> <td>SAWS 1 Plus or SAWS 2 Plus</td> <td>Application for Cash Aid, Food Stamps and/or Medi-Cal/State CMSP</td> </tr> </tbody> </table>	Form #	Title	11-38 HHSA	Coversheet	11-68 HHSA	Directory of Employment Services	11-79 HHSA	Identification Requirements	16-94 HHSA	Welcome Form	GEN 1365	Notice of Language Needs	CSF 47	Shared Housing Statement	16-54 HHSA	Sharing Information with Housing Authorities	SAWS 1 Plus or SAWS 2 Plus	Application for Cash Aid, Food Stamps and/or Medi-Cal/State CMSP
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CSF 47	Shared Housing Statement																		
16-54 HHSA	Sharing Information with Housing Authorities																		
SAWS 1 Plus or SAWS 2 Plus	Application for Cash Aid, Food Stamps and/or Medi-Cal/State CMSP																		
2	Inform the applicant that they may be categorically eligible for CalFresh benefits and provide the CF 285.																		
3	Instruct the applicant in the completion of the forms and to return the completed forms to the reception area as soon as they are finished.																		
4	Accept the completed forms from the applicant and instruct the applicant to wait until he/she is called by a pre-application worker.																		
5	Give the completed forms to the clearance clerk for immediate clearance. Clearance must include CalWIN, all MEDS screens (including QS screen), and IDX for CMS coverage.																		
6	Give the forms to the pre-application worker once the clearance is complete. Be sure that form 16-94 HHSA, Welcome Form, is attached. Note any denial/discontinuance codes and attach available screen prints.																		
7	Identify all applicants with other language needs by notation of form 16-94 HHSA and follow the appropriate FRC procedures for these referrals.																		
8	Direct applicants who provide a Modified Aid Payment Cycle (MAPC) notice immediately to Intake Scheduling without referring them to pre-application.																		
9	Direct the applicants to the appropriate pre-application,																		

	intake or reception area as required and provide other assistance as directed by FRC procedures.
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## 90-100.02 PRE-APPLICATION

### C. Interview Requirements

The pre-application worker must follow the actions in the table below for the pre-application interview.

Step	Action
1	Log the case in.
2	Explain to the applicant the role of both Pre-application and Intake.
3	Complete Application Registration in CalWIN and instruct the applicant to sign the SAWS 1 Plus or SAWS 2 Plus.
4	Review the Welcome Form (16-94 HHSA) for obvious ineligibility or linkage to CalWORKs or other programs. Discuss the information with the applicant to clarify any item that is incomplete or unclear. Make sure all questions are answered.
5	Review for sponsored alien status and provide a Sponsor's Statement of Facts (CW 22) and an Alien Sponsor Information form (07-22 HHSA). Explain the requirement of the sponsor and sponsored alien to sign lien forms in person for repayment of aid.
6	Review and record, as appropriate, the applicant's documentation of identification and residence (see <a href="#">90-150</a> and <a href="#">90-200</a> ) on Form 16-94 HHSA.
7	Review the 11-65 HHSA to determine the likely program classification.
8	Determine if there was good cause for leaving employment (see <a href="#">90-700.5</a> ) if employable and the applicant had employment within the past 30 days. If there is not good cause, the beginning date of aid will be the 30 <sup>th</sup> day from the date of occurrence.
9	Document the County Use Section of the 16-94 HHSA to alert the Intake worker to potential ineligibility due to time limits, sanctions, or mandatory MAPC eligibility if the applicant reports/appears to have received aid in another county within the past nine months.  Note: San Diego County will honor sanctions (up to our maximum), time-limited benefits, and mandatory MAPC eligibility imposed/received by/from another county.
10	Explain alternative Job Training via form 11-49A HHSA if employable.
11	Explain the requirements necessary to determine light duty or Work Project exemption from the Employable program

	and have the applicant complete and sign the Applicant's Statement of Employability (11-65 HHS) if not applying as employable. The 11-65 HHS is to be imaged in the case file.						
12	Follow GREE scheduling procedures as outlined in <a href="#">90-100.1.D</a> for applicants who want the County to pay for the employability evaluation.						
13	<p>Provide a Verification of Physical/Mental Incapacity – General Assistance (CSF 24) to applicants who choose to go to a private provider. The patient's statement of medical condition and authorization for release sections are to be completed by the applicant during the pre-application interview.</p> <p>Note: Do not use black ink to complete this form. Use of colored ink will assist workers to identify forms which have been inappropriately photocopied.</p>						
14	<p>Determine if the applicant is potentially eligible for GR or is obviously ineligible for GR according to all other eligibility requirements.</p> <table border="1" data-bbox="537 968 1401 1268"> <thead> <tr> <th><b>If the information provided shows the applicant is ...</b></th> <th><b>Then ...</b></th> </tr> </thead> <tbody> <tr> <td>clearly ineligible,</td> <td>deny the application and provide a NOA.</td> </tr> <tr> <td>potentially eligible or any eligibility factor is questionable,</td> <td>refer the applicant to Intake for an interview.</td> </tr> </tbody> </table>	<b>If the information provided shows the applicant is ...</b>	<b>Then ...</b>	clearly ineligible,	deny the application and provide a NOA.	potentially eligible or any eligibility factor is questionable,	refer the applicant to Intake for an interview.
<b>If the information provided shows the applicant is ...</b>	<b>Then ...</b>						
clearly ineligible,	deny the application and provide a NOA.						
potentially eligible or any eligibility factor is questionable,	refer the applicant to Intake for an interview.						
15	Determine if the applicant has an urgent situation which would qualify for an Expedited Intake appointment (see E and F, below) if the applicant is potentially eligible for GR.						

## 90-100.04. REDETERMINATION

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### B. Purpose

The Redetermination interview is designed to accomplish the following objectives for GR cases:

- To determine that the recipient continues to meet all eligibility requirements.
- To complete all necessary forms and documentation required to establish ongoing eligibility. A GR Redetermination Packet should include forms:
  - 11-38 HHSA Coversheet
  - 11-38R HHSA, Redetermination – Statement of Facts Supporting General Relief Eligibility, SAWS 2 Plus, or the CalWIN Statement of Facts
  - 11-44H HHSA, Affidavit of Homeless Living Situation, or CSF 47, Shelter Cost Statement
- To complete a new Authorization for Reimbursement of Interim Assistance (SSP 14)
- To explain all the rights, responsibilities, and requirements to the recipient including the right to a GR Hearing
- To discontinue all ineligible recipients and refer them to other programs or resources, as appropriate

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### C. Redetermination Process

Granted workers must follow the actions in the table below when completing the GR Redetermination.

Step	Action
1	Thoroughly review the GR case (and any companion cases) before sending the redetermination notice to the recipient to determine what type of verifications the recipient is required to provide at the redetermination interview. These items shall be clearly identified for the recipient on Form 11-39 HHSA, Notice of GR Renewal Appointment ( <a href="#">Appendix C</a> ) or CSC 35.
2	Complete the Statement of Facts during the redetermination interview.
3	Refer the recipient to SSI Advocacy and Medi-Cal if the recipient has an SSI application or appeal pending in MEDS.
4	Obtain recipient's and worker's signatures and date on a new Authorization for Reimbursement of Interim Assistance (SSP 14).
5	Discontinue with timely notice homeless recipients who fail to complete the 11-44H HHSA.



6	Refer recipients who provide fraudulent or inconsistent information to PAFD.
7	Document all verifications provided and determine if additional items are needed to establish ongoing eligibility.
8	Convert the case and advise the recipient of the appropriate program requirements if there has been a change in the employability status of the recipient.
9	Evaluate if the recipient meets the criteria for Substance Abuse Services reasonable suspicion. If yes, complete form 11-94 HHSA, Documentation of Reasonable Suspicion, and provide form 11-89 GIN, Substance Abuse Services Informational Notice. Refer the recipient to an orientation.
10	Do not change the GR recertification date to match any other program's timeline if the worker receives an alert to align the GR recertification date with another case recertification.
11	Discontinue the case with timely and adequate notice if the recipient is now ineligible.

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## 90-100.08 SPONSORED ALIENS

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**Obsolete**

This section was moved to 90-200.4.

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## 90-200.4. SPONSORED ALIENS

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**A.  
General**

This section provides information about the treatment of sponsored aliens in the GR program.

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**B.  
Policy**

Aliens applying for GR within three years of the date of entry into the United States will be required to complete forms 07-22 HHSA (Alien Sponsor Status Information Form) and CW 22 (Sponsor's Statement of Facts). Applicants must submit all income tax statements filed by the sponsor during the first three years from the alien's date of entry, including the period during which the sponsorship agreement was originally signed. The sponsor's current income and resources will be evaluated to determine what occurred after the sponsorship agreement was signed that now prevents the sponsor from supporting the sponsored alien. After the sponsorship period has ended, information on the sponsor's financial situation is not to be requested or evaluated.

Under W&I Code Section 17001.6, the County may require the sponsor of an alien GR recipient to sign an agreement to repay aid provided to the alien during the period of time which the sponsor has agreed, in writing, to provide for the alien. Therefore if the legal sponsor of an alien applicant completed an affidavit of support, both the alien and his/her sponsor must complete and sign forms 11-19 HHSA (Lien Information) and 11-22 HHSA (Grant of Lien). See [90-300.14](#) for additional procedures.

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**C.  
Definition**

For the purpose of this policy, the term "sponsored alien" applies only to those aliens granted entry into the United States through sponsorship, who apply for or receive GR during the three year period following the date of entry in the United States.

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**D.  
Exemptions**

Sponsored alien regulations do not apply to the following:

- Aliens who have been in the United States for more than three years from the date of entry for permanent residence as identified by CIS.
  - Aliens admitted into the United States under any of the CIS statutes in the table below.
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## 90-200.4. SPONSORED ALIENS, Continued

### Exemptions (continued)

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Type	Statute
Refugee	Section 207(c) of the Immigration and Naturalization Act (INA) in effect after March 31, 1980
Conditional Entrant	Section 207(a)(7) of the INA in effect prior to April 1, 1980.
Parolee	Section 212(d)(5) of the INA
Asylee	Section 208 of the INA
Cuban/Haitian Entrant	Section 501(e) of the Refugee Educational Assistance Act of 1980

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### E. Reporting Re- sponsibilities

As a condition of eligibility, the sponsor and sponsored alien must cooperate in providing all necessary information and documentation regarding sponsorship status and income. Sponsored aliens must also obtain the initial and continued cooperation of their sponsor(s) needed to determine eligibility and grant amount. Failure of either the alien or sponsor to cooperate will result in the denial or discontinuance of aid for the sponsored alien(s) in the GR case.

Aliens who are unable to locate their sponsors are not exempt from these regulations. Aliens who are sponsored by an absent spouse are also not exempt from these regulations.

Obtain the required information needed for application of the sponsored alien regulations through use of the Alien Sponsor Status Information Form (07-22 HHSA), the Sponsor's Statement of Facts (CW 22), and the sponsor's income tax returns filed during the three years following the sponsored alien's date of entry, including the period during which the sponsorship agreement was originally signed.

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### F. Reporting Sponsored Aliens

Refer sponsored aliens who are eligible to GR because the sponsor is not adequately supporting them to Citizenship and Immigration Services (CIS). The report will also include the sponsor's information. The worker must complete form 11-118 HHSA. Image the completed form in the case, send one copy to CIS, and one copy to the GR Program Specialist at Mail Stop W-414.

GRPG Letter #67 (11/11)

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## 90-700.04. AB TIME LIMITS

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### B. Policy

All employable applicants/recipients will be offered an opportunity to attend JSS and/or JT. AB applicants/recipients and/or their spouses will be limited to receiving GR for three months in a 12-month period (TMP). See G, below, for instructions regarding recipients that move to San Diego County from another county in California. For married couples where one spouse meets the definition of EL/ IP/IAP, that spouse may continue to be aided as a single adult, if otherwise eligible, until he/she no longer meets the EL/IP/IAP definition. However, the time-expired spouse's non-exempt income will be considered available to the EL/IP/IAP spouse.

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### G. Time Limits from Other Counties

The table below shows how time limits from other counties are treated in San Diego County when the client moves from another California county. There is no impact to the TMP or Period of Eligibility (POE) when a client moves from another state.

If the other county has ...	Then the worker will ...
No time limit,	Aid the individual based on the GR AB Time Limit rules. A new 12-month period would start as of the application date in San Diego County.
3-month time limit,	Contact the county to determine: <ul style="list-style-type: none"><li>• TMP (use the TMP established by the other county)</li><li>• Number of months aided in the other county</li><li>• Aid the individual for the number of months remaining in their 3-month POE.</li></ul>
6- or 9-month time limit,	Contact the county to determine: <ul style="list-style-type: none"><li>• TMP (use the TMP established by the other county)</li><li>• Number of months aided in the other county</li><li>• Aid the individual for the number of months remaining in their POE up to our 3-month limit.</li></ul>

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## **90-700.18. GOOD CAUSE EVALUATION**

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**J.  
Sanctions and  
TMP/POE**

Section moved to 90-700.19.J.

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## 90-700.19. EMPLOYABLE PROGRAM SANCTIONS

### J. Sanctions and TMP/POE

Workers must apply sanctions as appropriate upon notification from the CalFresh E&T SW. A sanctioned month within the three-month POE will count as one of the months meeting the POE. There is a maximum of three sanctioned months that can be applied to the POE without extending the TMP. Adequate and timely notice must be given. If the worker could have taken timely action but did not, the TMP will be extended and the month of aid will not be considered an overpayment. The table below shows some examples.

Situation	Original TMP	Revised TMP	POE
<p>Recipient is granted AB aid effective April January 1, 2007. On February 16, 2007, it is determined that the recipient should have a one-month sanction. This sanction can be applied, with timely and adequate notice, in March 2007.</p> <p>Apply the sanction in March. March will count as one of the 3 months of the POE. Do not extend the TMP and the recipient will not be eligible to any more AB aid during the TMP.</p>	January – December 2007	N/A	January – March 2007 (March counts as one month of assistance which was not issued due to the sanction)
<p>Recipient is approved AB aid effective January 1, 2007. On February 26, 2007, it is determined that the recipient should have a one-month sanction. Since timely and adequate notice cannot be given, this sanction cannot be applied in March 2007.</p> <p>Apply the sanction by extending the TMP for one month.</p>	January – December 2007	January 2007 – January 2008 (one month extension for sanction)	January – March 2007
<p>Recipient is approved AB aid effective March 1, 2007. The case is discontinued April 30, 2007. The recipient reapplies and is approved AB aid January 20, 2008, and is discontinued February 29, 2008, with a 3-month sanction.</p> <p>Apply the sanction by extending the TMP by 3 months.</p>	March 2007 – February 2008	March 2007 – May 2008 (extended 3 months due to sanction)	March and April 2007 and February 2008

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## 90-700.19. EMPLOYABLE PROGRAM SANCTIONS, Continued

### Sanctions and TMP/POE (continued)

Situation	Original TMP	Revised TMP	POE
<p>Recipient is approved AB aid effective April 2, 2007. The case is discontinued April 30, 2007, with a 3-month sanction.</p> <p>Apply the sanction for the months of May, June, and July (April is a partial month). Do not extend the TMP. However, consider the months of May – July as the POE and the recipient will not be eligible for AB aid again until April 2008.</p>	May 2007 – April 2008	N/A	May – July 2007 (no aid due to sanction)
<p>Recipient is approved AB aid March 4, 2007. The case is discontinued April 30, 2007 with a 3-month sanction.</p> <p>Apply the sanction for the months of May and June 2007 and the extend TMP one month to meet the 3-month sanction.</p>	April 2007 – March 2008	April 2007 – April 2008 (extended due to sanction)	April – June 2007 (no aid May or June 2007 due to sanction)
<p>Recipient is approved AB aid February 14, 2007. On April 18, 2007, it is determined that the recipient should have a 3-month sanction. However, the worker did not take action to close the case April 30, 2007, and aid is issued for May.</p> <p>Apply the sanction by extending the TMP for 3 months.</p>	March 2007 – February 2008	March 2007 – May 2008 (extended due to sanction)	March – May 2007 (May 2007 is not considered an overpayment because the TMP is being extended)
<p>Recipient is approved AB aid February 14, 2007. On May 31, 2007, case closed for the end of the POE. E&amp;T SW sends sanction request in June 2007 for failure of the recipient to cooperate with the Work Project in May.</p> <p>Apply the sanction by extending the TMP for 3 months.</p>	March 2007 – February 2008	March 2007 – May 2008 (extended due to sanction)	March – May 2007



## 90-900.2. COUNTY ADMINISTRATIVE HEARINGS

**B. General Responsibilities** The table below shows the general responsibilities for actions related to GR Hearings.

<b>Responsibility</b>	<b>FRC Staff Actions</b>	<b>Appeals Staff Actions</b>
Inform by NOA (notify applicant/recipient of right to a hearing)	Complete at: <ul style="list-style-type: none"> <li>• Intake</li> <li>• Redetermination</li> <li>• Disagreement with County action</li> <li>• Any action by County</li> </ul>	Complete when a new issue is identified at hearing
Schedule	Assist when help is: <ul style="list-style-type: none"> <li>• requested</li> <li>• required</li> </ul> <p>For example, provide Appeals' phone number, advise on preparing written request for appeal, refer to Legal Aid.</p>	<ul style="list-style-type: none"> <li>• Notify of hearing date and time</li> <li>• Reschedule as appropriate</li> </ul>
Aid Paid Pending	Evaluate/authorize if appropriate by supervisor (refer to F, below)	Extend by GR Hearing Officer in circumstances outlined in F, below.
Communication	Once appeal action has begun: <ul style="list-style-type: none"> <li>• notify Appeals of any further case actions for issues under appeal or other case changes which may impact the hearing</li> <li>• do not address issues under appeal with the applicant/recipient when an authorized representative has been designated</li> <li>• provide case record and/or requested documentation in a timely manner</li> <li>• notify PAFD if appeal issue is based on PAFD investigation</li> </ul>	Prior to or during appeal action, notify the FRC of need for: <ul style="list-style-type: none"> <li>• case record</li> <li>• staff at Hearing</li> </ul>

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## 90-900.2. COUNTY ADMINISTRATIVE HEARINGS, Continued

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### General Re-sponsibilities (continued)

Responsibility	FRC Staff Actions	Appeals Staff Actions
Hearing	Appear and testify at hearing, as needed	Find fact for issue(s) identified by the GR Hearing Officer in the hearing request and as approved by the Appeals Manager
Decisions	Act on decisions as appropriate and in a timely manner	Render a fair and impartial decision pursuant to County regulation and/or policy

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### D. Timely Hearing Requests

The request must be timely, unless good cause is found, as shown in the table below.

Action	Request Must Be Received
Denial,	Within 10 calendar days after the NOA mailing date
All Other Actions,	Within 10 calendar days after the effective date of the proposed adverse action

The circumstances that the Hearing Officer must consider for approving good cause for late filing include, but are not limited to:

- relevant circumstances including the applicant's physical, mental, educational, literacy or linguistic limitations
- adequate notice not provided
- sufficient time to respond was not possible because the notice was not delivered or received by the recipient
- applicant/recipient made a bona fide good faith effort to comply with the appeal procedures

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## 90-900.2. COUNTY ADMINISTRATIVE HEARINGS, Continued

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### Timely Hearing Requests (continued)

The assigned Appeals Representative will make the determination of Good Cause when determining if the County can offer a CWD. If the Appeals Representative cannot determine if a timely hearing request was made or whether Good Cause exists for the late hearing request, then the case will be decided in the GR Hearing.

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### J. GR Hearing Clerk Pre-Hearing Responsibilities

The table below shows the GR Hearing Clerk's actions to be taken before the hearing.

Step	Action
1	Schedule GR Hearings (see <a href="#">Appendix C</a> for notice to applicant/recipient).
2	Maintain hearing calendar.
3	Notify FRC Case Control Clerk of date and time of hearing and to send the case to the Appeals Section.
4	Track in-coming and out-going cases.
5	Provide case record for applicant/recipient review prior to hearing, if requested.
6	Notify supervisor if worker is required at Hearing.

GRPG Letter 68 (12/11)

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### K. Worker Pre-Hearing Responsibilities

The table below shows the worker's actions that must be taken the same day as notification of hearing is received.

Step	Action
1	Review case record for correct application of rules and timely/adequate notice.

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## 90-900.2. COUNTY ADMINISTRATIVE HEARINGS, Continued

### Worker Pre-Hearing Responsibilities (continued)

Step	Action
2	Check that documentation allows case to stand alone including: <ul style="list-style-type: none"> <li>• name/title of contact person</li> <li>• direct quotations to the extent possible</li> <li>• specific examples of misconduct/violation with dates, times, and locations of misconduct/violations</li> </ul>
3	Image pertinent documents, as needed.
4	Forward case to supervisor for review.
5	Grant APP, if approved by supervisor.

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### L. Supervisor Pre-Hearing Responsibilities

The table below shows the supervisor's actions to be taken before the hearing.

Step	Action
1	Review the case upon receipt for correct application of rules and timely/adequate notice.
2	Instruct worker to rescind action, by NOA, and notify appeals if lack of documentation exists and/or inappropriate action was taken.
3	Evaluate/authorize APP.
4	Document APP decision and have worker grant, if appropriate.
5	Complete Appeals Pre-Hearing Supervisory Case Review Checklist according to the Pre-Hearing Case Review Requirements Eligibility Operations Guide (S:/ENTERPRISE/Eligibility and Employment Operations Guide/Appeals/Pre-Hearing Case Reviews Requirements) to document the reasons supporting the County's position or notifying Appeals of rescission of action.
6	Notify PAFD Investigator and supervisor if appealed action resulted from investigator activities.
7	Send case to Appeals via FRC Case Control Clerk.

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## 90-900.2. COUNTY ADMINISTRATIVE HEARINGS, Continued

### M. FRC Case Control Clerk Pre-Hearing Responsibilities

The table below shows the FRC Case Control Clerk's actions to be taken before the hearing.

Step	Action
1	Forward case request to worker of record.
2	Notify worker of Appeals request for case.
3	Receive case from supervisor and check case out for tracking.
4	Forward case to Appeals Section at W402 by 8:00 AM of second work day following date of notification of hearing request.

GRPG Letter 68 (12/11)

### N. Pre-Hearing Appeals Review Responsibilities

The case will be assigned to an Appeals Representative, who is not the County Hearing Officer, within one work day of the date of receipt of the hearing request.

If the case action is ...	Then the ...
incorrect,	Appeals Representative will contact the claimant to offer a Conditional Withdrawal (CWD). If the claimant agrees to a CWD, the Appeals Representative will prepare the Out of Hearing Resolution (OHR) and forward to the FRC for processing and cancel the scheduled hearing.
<ul style="list-style-type: none"> <li>• determined to be correct;</li> <li>• the Appeals Representative is unable to reach the claimant; or</li> <li>• the claimant does not agree to a CWD,</li> </ul>	hearing will remain scheduled. The Appeals Representative will notify potential County witnesses of the date and time of the scheduled hearing and notate in the Appeals file which County witnesses have been notified.

Worker compliance with the OHR must be completed within 30 work days from the signed CWD.

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*Continued on next page*

## 90-900.2. COUNTY ADMINISTRATIVE HEARINGS, Continued

### O. Disagreement with OHR

When the worker disagrees with the action directed in the OHR, the worker must:

Step	Who	Action						
1	Worker	Resolve the disagreement within 5 work days. Day one of the 5 work days begins on the work day following the receipt of the OHR notice. These 5 work days are included in the 30 days that the worker has to complete the OHR.						
2		Review the case with the supervisor to ensure consensus.						
3	FRC Appeal Liaison	Contact the Appeals Representative to discuss and resolve when the worker has new information or believes the OHR is incorrect.						
4	FRC Manager	Contact the Appeals Manager within the first 5 working days to request a formal review of the Appeals action by the Appeals Manager or their designee if the issue is not resolved.						
5	<table border="1"> <thead> <tr> <th>If the decision is ...</th> <th>Then the ...</th> </tr> </thead> <tbody> <tr> <td>not reversed,</td> <td>worker must comply with the OHR within the original 30-day timeline</td> </tr> <tr> <td>reversed,</td> <td>Appeals Representative must send a new adequate NOA to the claimant or AR explaining that the County has reversed the CWD/OHR and cite the appropriate regulations and the underlying basis again with the appropriate regulations.</td> </tr> </tbody> </table>		If the decision is ...	Then the ...	not reversed,	worker must comply with the OHR within the original 30-day timeline	reversed,	Appeals Representative must send a new adequate NOA to the claimant or AR explaining that the County has reversed the CWD/OHR and cite the appropriate regulations and the underlying basis again with the appropriate regulations.
If the decision is ...	Then the ...							
not reversed,	worker must comply with the OHR within the original 30-day timeline							
reversed,	Appeals Representative must send a new adequate NOA to the claimant or AR explaining that the County has reversed the CWD/OHR and cite the appropriate regulations and the underlying basis again with the appropriate regulations.							

## 90-900.3. HEARING PROCESS

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**B. Hearing Procedures** The table below shows the actions for the GR Hearing as well as who is responsible for that action.

Step	Responsibility	Action
1	GR Hearing Officer	Explain how the hearing will be conducted.
2		Follow requirements under <u>WRO v. Bacon</u> noted in 90-900.4.D.
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 on a point-by-point basis.
9		Evaluate the witness' credibility, apparent knowledge of the facts, and extent of memory of the related facts.
10		Ensure the hearing rights of the applicant/recipient are observed.
11	Appeals Manager	Routinely review all GR Hearing decisions.

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**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.
- Upon decision, the GR Hearing Clerk will fax results to the District Liaison Clerk and distribute copies of the GR Hearing Determination (See [Appendices D & E.](#)) to the following:
  - applicant/recipient
  - case record
  - GR Hearings files in the Appeals Section
  - authorized representative, if any.

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### 90-900.3. HEARING PROCESS, Continued

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**General Provisions for Hearing Decisions**  
(continued)

- If the decision is in the applicant's/recipient's favor, the GR Hearing Clerk will telephone the worker and/or supervisor to obtain an appointment for the applicant/recipient no later than the next workday.
- The GR Hearing Officer will note the reduction/adjustment in the Work Project or job searches 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 (form 11-22 HHSA) will be the date the authorization action would have been taken if the application had not been denied.
- 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 prompt action to grant or restore aid.

If ...	Then ...
APP has been issued,	it will be adjusted out of the aid payment.
the decision is against the recipient,	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 the appropriate 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.