

Handbook of Public Assistance Administration

Part IV.	Eligibility and Payments to Individuals
6000-6999	Hearings 1/4/54

6100. Provisions of the Act

Title I, section 2(a)(4); title IV, section 402(a)(4); title X, section 1002(a)(4); and title XIV, section 1402(a)(4) provide:

"A State plan for old-age assistance [aid to dependent children, aid to the blind, aid to the permanently and totally disabled] must ... provide for granting an opportunity for a fair hearing before the State agency to any individual whose claim for old-age assistance [aid to dependent children, aid to the blind, aid to the permanently and totally disabled] is denied or is not acted upon with reasonable promptness."

6200. Interpretation

Denial of a "claim for assistance" is interpreted to include denial of the opportunity to make application or reapplication for assistance, rejection of a request for assistance or undue delay in reaching a decision on it, and in making a payment, refusal to consider a request for or undue delay in making an adjustment of the amount of payment, and suspension or discontinuation of payment.

Since an individual cannot avail himself of the opportunity for a hearing unless he is aware of its availability, and since the purpose of the hearing has not been served until the decision is carried out, the entire procedure from the initial notification to the individual regarding his right to a hearing, to the execution of the hearing decision, is included in the consideration of the hearing process.

When an issue has been made the subject of a request for a hearing, authority and responsibility for the decision passes from the local office to the deciding authority in the State agency.

The purpose of the "reasonable promptness" clause is to reinforce and clarify the full meaning of the hearing provision of the act by specifically stating that State plans must provide claimants an opportunity for a fair hearing if they are dissatisfied, among other reasons, with the agency's failure to act "with reasonable promptness" on their claim. This requirement is implemented further by the requirements and interpretations developed as part of the section on the application process (see IV-2300).

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Interpretation (continued)

6210. Definitions.--The Federal act refers to the individual "claiming" assistance and to the individual whose "claim" has been denied (see IV-6100 above). These terms are used in this chapter of the Handbook not only because they appear in the assistance titles of the act, but also because they and their derivative "claimant" are applicable to both the "applicant for" and "recipient of" assistance, and because the concept of an individual "claiming" public assistance carries with it the connotation of a right. Experience has also shown the desirability of avoiding the terms "appeal" and "appellant," since the hearing is not confined to a review on the record.

A claimant is defined as a person seeking an opportunity to file a claim, a person who has filed a claim and is awaiting the agency's decision, a person whose claim has been approved, a person receiving assistance or whose assistance payment has been suspended, or a person still considering himself entitled to assistance although he has been denied assistance or his payment has been discontinued.

A hearing is defined as an orderly, readily available proceeding before an impartial official or panel of the State agency, in which a dissatisfied claimant of assistance or his representative may present his case with the help of witnesses to show why action or inaction in his case should be corrected by the State agency.

A request for a hearing is defined as any clear expression (oral or written, by letter or on special forms) on the part of the claimant to the effect that he wishes to go beyond the usual procedure for adjusting complaints, and that he wants an opportunity to present his case to a higher authority than the one he would routinely deal with; the specific wording of such a request is immaterial.

The date of the request for a hearing is defined as the date on which the request was received in any (local or State) agency office.

6220. Principles.--The principles underlying the hearing process in public assistance are:

1. The State public assistance agency is accountable to the claimant for action or lack of action with reasonable promptness in relation to his claim.

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Interpretation (continued)

- 2. The claimant may demand a hearing from the agency on any action or failure to act on his claim for assistance, with reasonable promptness
- 3. The claimant may question the agency's interpretation of the law, and the reasonableness and equitableness of the policies promulgated under the law, if he is aggrieved by their application to his situation.
- 4. The hearing is subject to the requirements of due process, but should be an informal administrative procedure in order to serve best the interests of the claimant.

6230. Objectives.--The major objectives of hearings in public assistance administration are:

- 1. To provide an opportunity for a dissatisfied claimant to assert his claim to public assistance and secure, in an administrative proceeding, equity of treatment in his case in relation to the State's assistance law and standards.
- 2. To enable local units, State agencies, and claimants, jointly, to ascertain the factual basis on which, through proper application of the assistance law and agency policy, a just decision may be reached.
- 3. To contribute to uniformity in the application of the assistance law and policy by assuring that every claimant is fully informed of his rights, that hearings on any grievance are readily available, and that instances of inequitable treatment are speedily remedied by prompt execution of hearing decisions.
- 4. To safeguard claimants from mistaken, negligent, unreasonable or arbitrary action by agency staff. The hearing process is not a substitute for proper and efficient administration and is not designed to produce any result that could not have been produced through regular administrative processes.
- 5. To reveal aspects of agency policy that are inequitable or constitute a misconstruction of law; to submit policy to test and argument, and to place in the hands of policy-making officials evidence indicating the need for modification of policies and standards on a State-wide basis, and the nature of the needed modification.

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6310. Requirements for State Plans

The Social Security Administration will consider a State plan in conformity with the requirements of titles I, IV, X, and XIV of the Federal act relative to fair hearings, only if it provides by rules and regulations for specific delegation of responsibility within the agency for the conduct of hearings, for rendering decisions that are binding on the local unit, and for establishing a hearing procedure assuring that:

1. Every claimant may demand a hearing before the State agency in relation to any agency action or failure to act on his claim with reasonable promptness as defined in the State plan.
2. Every claimant is informed in writing of his right to a fair hearing on any agency action on his claim or failure to act with reasonable promptness, and of the method by which he may obtain a hearing.
3. Every claimant requesting review of his case has free choice as to whether such review should be handled through informal complaint and adjustment procedures, or through a hearing before the State agency; once he has chosen the latter, it shall not be delayed or canceled without his consent because of a review by the local office.
4. Procedures and controls are established by the State agency that are designed to assure prompt, definitive and final administrative action on every request for a hearing.

The requirement of "definitive and final administrative action on every request for a hearing" is not met if the State agency dismisses such requests for any reason other than withdrawal or abandonment of the request by the claimant. A request for a hearing may be considered abandoned if neither the claimant nor his representative appears at the time and place agreed on for the hearing, and if, within a reasonable time after the mailing of an inquiry as to whether he wishes any further action taken on his request for a hearing, no reply is received by either the local or State agency.

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Requirements for State Plans (continued)

5. The hearing is held at a time, date, and place convenient to the claimant, and adequate preliminary notice is given, including information about procedure at the hearing, necessary for his effective preparation for the hearing.
6. The hearing is conducted by a qualified, impartial State agency official, or members of a panel who have not taken any part in the particular action under consideration.
7. The claimant has the opportunity to examine all documents and records used at the hearing; has the option to present his case, or be represented; has the opportunity to bring witnesses, to establish all pertinent facts and circumstances, to advance any arguments without undue interference, and to question or refute any testimony or evidence.
8. The verbatim transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the hearing officer's or panel's recommendation, constitute the exclusive record for decision and are available to the claimant at any reasonable time.
9. The decision on the hearing constitutes the ultimate decision of the State agency, and is rendered in writing in the name of the agency by the official or panel in whom responsibility for decisions has been placed.

Remanding the case to the local unit for further consideration is no substitute for "definitive and final administrative action" by the State agency.

10. The decision sets forth the issue, the principal and relevant facts brought out at the hearing, the pertinent provisions in law and in agency policy, and the reasoning that led to the decision. The claimant is forwarded a copy of the decision or is advised in writing of its content.
11. The State agency assures itself that the decision has been carried out.

The fact that these characteristics are indispensable to the hearing process distinguishes the hearing from any other type of review or complaint proceeding.