

I. INTRODUCTION

The Bureau of Hearings and Appeals (bureau) is an administrative office authorized to conduct fair hearings involving the Department of Human Services (department). The hearings are presided over by an Administrative Law Judge (ALJ). This brochure will provide information regarding recipient related appeals. Recipient related appeals are conducted in accordance with the regulations found at 55 Pa. Code Chapter 275.

II. FOUR TYPES OF HEARINGS

A. Telephone Hearing - Telephone Number You Provide

The appeal is handled over the telephone, on the date and time that appears on your notice. The ALJ will call all parties involved in your case. There will be a telephone connection between you, all witnesses, and the ALJ. The call will be placed at the telephone number you provide to the bureau. On the date of your hearing, please ensure that your phone number is unblocked and try to keep your telephone line clear of other calls at least 10 minutes before and after the time shown on your "Notice of Hearing Date and Time" letter. If you get disconnected during the hearing, please hang up. The Judge will call you right back. **DO NOT CALL THE ALJ.**

B. Telephone Hearing From the Program Office/County Assistance Office (CAO)

If you have not given us a telephone number where you can be reached, you should go to your program office/CAO for the hearing. If you are going to be at a different telephone number, please call the Site Administrator at the telephone number listed on your "Notice of Hearing Date and Time" letter.

C. Face-to-Face Hearing - All Parties are Present

At a face-to-face hearing, your case is heard in a courtroom. The face-to-face hearing will be in one of six areas in Pennsylvania (Erie, Pittsburgh, Harrisburg, Reading, Wilkes-Barre, or Philadelphia) depending on where you live. If you have chosen a face-to-face hearing, the "Notice of Hearing Date and Time" will tell you where your hearing will be held.

D. Face-to-Face Hearing - Program Office/CAO Present by Phone

You may choose to have a face-to-face hearing in the courtroom, and allow the representative for the program office/CAO to remain at their office location. This option will allow you to see the judge, while the representative for the program office testifies by speaker phone.

III. THE JUDGE'S ROLE

The responsibilities of the ALJ include conducting the hearing. This includes gathering the facts necessary to decide whether or not the program office's/CAO's actions were correct. The ALJ must base his/her decision on the evidence presented during the hearing. The ALJ's decision must comply with the law. You will receive a copy of the ALJ's decision in writing. Occasionally, the ALJ will announce his/her decision orally at the conclusion of the hearing but you will always receive a written decision either handed to you at that time or sent to you in the mail.

IV. THE HEARING

The ALJ will conduct the hearing in an orderly but informal manner. The hearing will be recorded. The ALJ will ask all witnesses at the hearing to swear or affirm to tell the truth. Then, the ALJ will ask you to clarify the issue. The ALJ will ask the person or people (for example, your caseworker) from the program office/CAO to explain why they made their decision or took their action. After the program office's/CAO's witness testifies, you or your representative may ask him or her questions. (This is called "cross-examination.")

Then it will be your turn to present your case. You should explain why you appealed and why you disagree with the things said at the hearing by the program office/CAO. If you have any witnesses, you or your representative may ask them questions. The people from the program office/CAO may cross-examine you and your witnesses.

No one is allowed to interrupt anyone who is testifying. The ALJ may ask anyone questions at any time.

If you have any papers to help prove what you have said at the hearing, be sure to tell the ALJ what they are. Tell the ALJ that you want to "introduce these papers into evidence." You should do this even if you have already mailed the papers to the ALJ before the hearing. If you need more time to get papers to the ALJ, be sure to tell him or her before the hearing is over. It may be too late if you tell the ALJ after the hearing is over.

V. YOUR RIGHTS

You Have the Right:

- **To Have Someone Represent You at Your Hearing:** You may be represented at your hearing by a lawyer, paralegal, friend, relative, or anyone else you choose. The bureau does not provide you with a representative. If you would like to have an attorney for your hearing, but you can't afford one, please contact your local legal aid office for assistance. If you choose not to have a representative, you may represent yourself.

- **To See Your Case File:** You can see any part of your file that is not confidential. You can see any part of the file that the caseworker will talk about or read from at the hearing. Your caseworker can make copies of the file for you, free of charge, up to ten (10) pages.
- **To Have Witnesses:** You may have people talk on your behalf at both the telephone hearing and the face-to-face hearing. If you would like to subpoena a witness, contact the Site Administrator before the hearing so that the witness will be notified in enough time to prepare for the hearing. In addition, you have the right to know prior to the hearing the names of the witnesses who will testify for the program office/CAO. Contact your program office/CAO for their witness information.
- **To Submit Documents:** You are responsible for proving what you say at the hearing. If you have any letters, notices, documents, or other papers that help prove your case, mail them to the ALJ right away. Be sure to keep a copy of them for your own use at the hearing. Before the hearing, you must also mail a copy of the papers to the program office/CAO that made the decision you are appealing. Conversely, at least five days prior to your hearing, you should receive a copy of the documents the program office/CAO intends to submit at the hearing to prove their case. (If you choose a face-to-face hearing, you do not have to mail them to the ALJ; keep them until the hearing.) Do not fax exhibits to the bureau.
- **To a Hearing Decision:** You have the right to get a written hearing decision within 90 days after you filed your appeal for Cash Assistance or Medical Assistance, and within 60 days for Supplemental Nutrition Assistance Program (formerly known as food stamps). If you do not get your hearing decision within these times, you may call the program office/CAO and ask for benefits until the decision is made. This is called Interim Relief/Interim Assistance. Not all cases qualify, so contact your caseworker with questions.
- **To Appeal the Judge's Decision:** If you lose your appeal or are dissatisfied with the ALJ's decision, you may appeal to the Secretary of Human Services and the Commonwealth Court of Pennsylvania. The procedure for doing this will be explained in the written notice of the decision.
- **To Withdraw Your Appeal:** You, your representative or your attorney may withdraw your appeal at any time. Your withdrawal must be in writing and must be signed. You may check the box next to "I wish to withdraw my appeal at this time" on the "Reply to the Bureau of Hearings and Appeals," sign it, and return it to the bureau. If you have already sent in the "Reply to the Bureau of Hearings and Appeals" and later want to withdraw your appeal, contact the office shown on the "Notice of Hearing Date and Time." The bureau will provide you with further instruction. If you want to withdraw at the time of the hearing, tell the ALJ. Note: The bureau may accept a withdrawal via text messaging, email or verbally on a telephone hotline. Please contact your local program office/CAO for more information.
- **To Interpreters, Translation and Accommodations for Disabilities:** If you need an interpreter at the hearing because you do not speak or have limited understanding of English, or because you have a hearing impairment, please call the Site Administrator or mail back the "Reply to Bureau of Hearings and Appeals" from the bottom of the "Notice of Hearing Date and Time" after checking the appropriate box. The Site Administrator can be reached through the telephone number on the "Notice of Hearing Date and Time." Free interpreter and translation services will be provided at the hearing and for any notices, hearing decisions, or any other documents that are sent to you. You may bring a friend or relative to assist you at the hearing, but the bureau's interpreter will be the official interpreter. Individuals needing special accommodation because of their disability should notify the Site Administrator immediately in order to obtain assistance with any hearing.

VI. PREPARING FOR THE HEARING

Did You Remember To:

- Gather all documents for your case and mail them to the ALJ and the CAO/program office?
- Identify witnesses for your case?
- Make sure you and your witnesses are aware of the date, time and location of your hearing?
- Decide who will represent you at your hearing?
- Unblock your phone?

VII. PRE-HEARING CONFERENCE OPTION

It is a requirement of the department to offer you a pre-hearing conference with a supervisor or manager after you have filed your appeal. By participating in this pre-hearing conference you might be able to receive benefits sooner if you are eligible rather than wait for the fair hearing and subsequent decision. Therefore, you are encouraged to schedule a meeting with the program office/CAO to discuss the reasons why you disagree with their decision. If the issue is resolved, it may eliminate the need for a hearing altogether. In addition, if your circumstances have changed or you have information or documents that you feel may change the decision, you should inform the program office/CAO as soon as possible. If the new information or documents change the decision, the action may be cancelled and benefits may be authorized or returned to you.

VIII. INTERNET SITE

For further information on fair hearings, you may refer to Title 55 of the Pennsylvania Code § 275.4, and the department's website at <http://www.dhs.state.pa.us/dhsorganization/officeofadministration/bureauofhearingsandappeals/index.htm>.