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Hearings for General Assistance Recipients

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Sec. 17-292d-1. Hearings

(a) **Notice of action.** In cases of intended action to reduce, suspend or terminate General Assistance Financial and/or Medical Aid, the local welfare official shall give written notice by means of a Notice of Action for General Assistance which shall be mailed or given at least ten working days before the date of proposed action except as otherwise provided hereinafter. The Notice of Action for General Assistance shall clearly state:

(1) the reasons and authority for the decision to reduce, suspend, or terminate assistance;

(2) when applicable, the computation made to arrive at the decision to reduce, suspend, or terminate assistance;

(3) that if the recipient disagrees with the decision for any reason, the recipient has a right to a hearing which she/he can exercise by signing and returning the form provided. A self-addressed envelope shall be provided.

(b) **Request for hearing.** Any applicant or recipient of General Assistance who is aggrieved by any overt action or failure to act by the local welfare official may request and shall be granted an opportunity to be heard upon receipt of such request by the local welfare official, provided such request is made within the ten working day period. A hearing may be requested either by the recipient or, if an authorization is signed by the recipient, by his authorized representative.

(1) Hearing requests shall be written, except for illiterate persons, who may orally request hearings.

(c) **Continuation of benefits pending a hearing.** If the town official receives a written request for a hearing before the date of proposed action, benefits to the recipient shall continue without reduction, suspension or termination until a hearing is held and the recipient is provided with a written notice of the decision.

A town is not required to give a recipient a ten working days advance Notice of Action only in the following situations:

(1) The recipient has made a written request for discontinuance of assistance.

(2) Termination is based on the fact that assistance has been granted:

(A) by the State Department of Income Maintenance, or

(B) under the provisions of a federal program and the federal benefit payment has actually been received by the recipient.

(3) The local welfare official has actual notice that the recipient:

(A) is dead,

(B) is institutionalized in a state-operated facility, or

(C) has left the town or state.

(4) Mailed correspondence to the recipient is returned marked addressee unknown.

(5) If a change in state law required the proposed action or if there is no dispute related to the facts in the situation or to the judgment that a correct application of these regulations had been made.

In the situations listed above, the Notice of Action need only be mailed or given to a recipient prior to the effective date of the proposed action, and a hearing need not be held before such effective date.

Except for situations as described above, the local welfare official shall not withhold assistance without initiating pretermination procedures.

Withholding assistance in any other circumstances constitutes a termination or suspension of assistance which is subject to the pretermination requirements.

(d) **Scheduling of hearing—postponement.** The local welfare official shall schedule pretermination hearings to take place no later than seven working days from the date of the town's receipt of such request. Recipients must be notified in writing of the time and date that the pretermination hearing will take place. A pretermination hearing shall be rescheduled one time upon request by the appellant or his representative, or by mutual agreement.

(e) **Oral notice to an illiterate person.** The local welfare official must provide oral notice by reading the decision to reduce, suspend or terminate assistance to each recipient known to be illiterate whenever the recipient is physically present in the office either in order to receive the decision; or having received the decision, to have it read.

(f) **Requirements as to hearings.** In addition to the foregoing provisions, the local welfare official must:

(1) Provide the recipient with an opportunity:

(A) prior to the hearing, upon giving one working day's notice, to examine all the documents regarding his/her case;

(B) to be represented by any person of his/her choice;

(C) at the hearing, to offer evidence on his/her behalf and to cross-examine (question) the local welfare official or anyone else whose testimony was used in making the decision;

(D) to tape or stenographically record the hearing. The city or town has no obligation to provide the recording equipment or stenographer.

(2) Provide a hearing officer to conduct the hearing who:

(A) did not participate in the initial decision to reduce, suspend, or terminate;

(B) conducts the hearing in an informal manner;

(C) evaluates all of the facts and evidence presented;

(D) makes a decision based only on evidence presented at the hearing and what is officially noted.

(E) renders a decision within three calendar days after the hearing.

(3) Mail or hand to each recipient for whom a hearing is held, a written decision on the hearing within three calendar days of the date on which the decision is rendered. Said decision shall be based on the evidence presented and shall state the reason(s) for such decision, the evidence, the authority upon which the decision was based, and the name of the hearing officer making the hearing decision.

(4) Retain a copy of each notice and hearing decision for a period of not less than three years, and, in addition, shall retain a copy of any tape or transcript, if made, for a period of not less than four months.

(5) If the original decision is upheld, assistance is reduced, suspended, or terminated. The recipient shall be advised that he is responsible for repayment of all assistance rendered beyond the date eligibility ceased and that procedures for the collection of an overpayment will be executed.

(g) For applicants who have been denied General Assistance, the local welfare official shall:

(1) Provide to each applicant found ineligible for benefits, a Notice of Action for General Assistance. The Notice of Action for General Assistance shall clearly state:

(A) the reason(s) for the decision;

(B) the authority upon which such decision is based;

(C) when applicable, the computation made to arrive at the decision;

(D) that if the applicant disagrees with the decision for any reason, the applicant has a right to a hearing which she/he can exercise by signing and returning the form provided.

(2) Provide oral notice by reading the decision to deny General Assistance to each applicant known to be illiterate whenever the applicant is physically present in the office either in order to receive the decision; or, having received the decision, to have it read.

(3) Provide a hearing to all applicants who request one in writing within ten working days of the date of the town's notice to deny the application. A hearing may be requested by an applicant's authorized representative if an authorization signed by the applicant is provided.

(A) Illiterate applicants may orally request a hearing.

(4) Provide the opportunity for the denied applicant to have a hearing at the time he is given the decision if he does not wish to be represented by counsel nor to have witnesses and requests an immediate hearing. If not, the applicant will be granted the hearing within three (3) working days of the town's receipt of the applicant's request for a hearing. The applicant may waive his or her right to a hearing in writing at any time prior to the hearing.

(5) Provide the applicant with the opportunity:

(A) prior to the hearing, upon giving one day's notice, to examine all documents regarding his/her case;

(B) to be represented by any person of his/her choice;

(C) at the hearing, to offer evidence of his/her behalf and to cross-examine (question) the local welfare official or anyone else whose testimony was used in making the decision;

(D) to tape or stenographically record the hearing. The city or town has no obligation to provide the recording equipment or stenographer.

(6) Provide a hearing officer to conduct the hearing who:

(A) did not participate in the initial decision to deny the application;

(B) conducts the hearing in an informal manner;

(C) evaluates all of the facts and evidence presented;

(D) makes a decision based only on evidence presented at the hearing and what is officially noted.

(E) renders a decision within three calendar days after the hearing.

(7) Mail or hand to each applicant for whom a hearing is held, a written decision on the hearing within three (3) working days of the date on which the decision is rendered. Said decision shall be based on evidence presented and shall state the reason(s) for such decision, the evidence, the General Assistance regulation page(s) and section(s) number(s) upon which the decision was based, and the name of the hearing officer making the hearing decision.

(8) Retain a copy of each notice and hearing decision for a period of not less than three years. Retain a copy of any tape or transcript if made for a period of not less than four months.

(h) If the decision of the local welfare official is upheld at the hearing, the local welfare official may take the intended action even though the appellant appeals the hearing decision at the State Fair Hearing level.

(i) Any applicant or recipient who is aggrieved by a hearing decision rendered at the local level may request a Fair Hearing at the State level within ten working days of receipt of the decision. Persons requesting a Fair Hearing shall make such request in writing to:

State of Connecticut
Department of Income Maintenance
Fair Hearing Section
117 Main Street Extension
Middletown, Connecticut 06457

The request shall include the fact that the applicant/recipient is appealing a decision made by a local welfare official regarding General Assistance.

The Fair Hearing shall be held within fifteen working days of such request, and a decision shall be rendered not later than fifteen working days after such hearing.

The local welfare official shall implement the decision of the Fair Hearing officer within the compliance time set forth within the decision.

(Effective June 2, 1986)