5. Appeals

5.1 Appeals Overview

5.1.1 GA Policy [120]

Appeal to Hearing Officer

An applicant or recipient who is dissatisfied with any action or inaction of the Agency may request an appeal to a Hearing Officer.

An appeal may be initiated by filing a written or oral request for a hearing which specifically states the basis of the appeal. This request must be filed with the Appeals Unit, Social Services Agency.

To be valid, an appeal must be filed personally in writing, by telephone, or by mail within the following time frames:

• In situations in which the appeal involves an action by the agency, the request for an appeal must be filed within 30 days of the date on which the notice of action was personally handed or mailed to the applicant or recipient; or

• In situations in which the appeal involves inaction by the Agency, the request for an appeal must be filed within 30 days of the date on which the Agency should have taken action.

A recipient who, without good cause, fails to comply with the provisions of GA 213, GA 215, GA 216, and GA 219 Policies, and for whom a sanction is being proposed, shall be automatically scheduled for an appeal hearing.

Note:
The process is referred to as, “County Hearings”, “Appeals”, or “Fair Hearing” the terms are interchangeable.
5.1.2 Definition

An appeal is a hearing that provides an applicant/recipient the opportunity to obtain a full, impartial review of any action or non-action taken by Social Services Agency. The hearing is conducted by an impartial Hearing Officer designated by the Director of Social Services Agency. The applicant/client may appear personally, through an authorized representative or through counsel, and may present any evidence relative to the disputed action.

5.2 Terms Unique to the Appeals Process

5.2.1 Claimant

A claimant is a person who requests an appeal. The request is technically a “claim” and the claim will either be granted (the claimant prevails) or denied (the County prevails).

5.2.2 Issue

The Issue is the specific action or inaction to which the claimant is dissatisfied.

5.2.3 Authorized Representative

A claimant may appoint a person to represent him/her in the hearing. This can be anyone (a lawyer, a friend, a welfare rights advocate, or an organization).

After proper authorization, an authorized representative may make a request for a hearing on behalf of a claimant.

Exception:
By county policy, it is a conflict of interest for Social Services Agency personnel to represent a client in an Appeal. Refer to “Role of the EW”, page 37-9 of the Common Place Handbook for a further explanation of the role of the Eligibility Worker in the Appeal process].
5.2.4 Types of Hearing

There are two types of General Assistance (GA) Appeal Hearings:

1. **AUTOMATIC HEARINGS** are scheduled for any discontinuance and sanction, resulting from a GA Vocational Services (VS) non-compliance employable requirement, of the General Assistance Program (GA) regulations.

   **Example:**
   A person who is discontinued with a proposed sanctioned for failure to attend his/her work project, will be automatically scheduled for an Appeal Hearing.

2. **NON-AUTOMATIC HEARINGS** must be requested by the applicant/client if he/she wishes to appeal a proposed change, discontinuance or denial resulting from an adverse action.

   **Example:**
   A person who is discontinued for failure to send in a QR 7 must request an appeal hearing if he/she wishes to have the issue scheduled.

5.2.5 Interpreters

The Appeals Clerk will arrange for an impartial interpreter to be present at the hearing, if one is needed. If an impartial interpreter is not available for the hearing, the hearing must be rescheduled OR the applicant/recipient may waive his/her right to an interpreter being present.

5.2.6 Hearing Schedule

Hearings are scheduled as follows:

- Automatic hearings are scheduled by VSAS and CalWIN Hearings subsystem.
- Non-automatic hearings are scheduled by the Appeals Worker.
5.3 Automatic Hearings

5.3.1 Overview

Vocational Services and Appeals System (VSAS) and CalWIN will automatic schedule a Hearing for any client who, without good cause, fails to comply with the following:

- Failure to keep an appointment for an Employability Assessment;
- Non-Compliance EDD Work Registration requirement;
- Failure to attend Job Preparation Class(es);
- Failure to cooperate with Vocational Services
- Failure to meet the requirement to accept any bona fide offer of employment;
- Failure to attend a Job Interview;
- Failure to complete Work Experience Requirements
- Submission of apparently fraudulent documents from a Training Applicant/recipient.
- Termination of Work Experience Assignment for misconduct
- Failure submit a completed Job Search form
- Failure to accept a referral to Training

5.3.2 GA Policy [121] — Notification of Automatic Hearing

The Agency shall notify the recipient of the date, time and location of the automatic hearing. The notification shall be on a form prescribed by the Agency and shall be mailed no less than seven (7) calendar days prior to the hearing.

5.3.3 Requirement

A notice of Proposed Action (GA 239)/Hearing Appointment Notice must be sent to the client ten (10) days before the hearing appointment date in order to give the client sufficient time to receive the notification and to prepare for the hearing.

[Refer to “Automatic Hearing Process”, page 5-21]
5.4 Non-Automatic Hearings

5.4.1 Overview

A written request for a hearing must be completed by the applicant/recipient for all hearings involving violations of non-work related regulations. The applicant/recipient may call the Appeals unit for assistance in completing the hearing request (the number to call is listed in back of the NOA).

[Refer to "Non-Automatic Hearings", page 5-23]

5.4.2 Methods of Filing

An applicant/recipient may request a hearing by completing any of the following:

Notice of Action

The back of the Notice of Action (NOA) contains all information necessary to file a request for a hearing. The applicant/client should be encouraged to use the NOA because it describes the action with which they are dissatisfied.

Telephone Call to the County Appeals Unit

Individuals can contact the County Appeals Unit directly by calling (408) 817-6051. The County Appeals phone number is provided in the back of the Notice of Action (NOA).

“Request for Hearing” (GA 20) Form

This form may be used to request any non-automatic General Assistance hearing. The form must be completed in duplicate. The original is date stamped by clerical and forwarded to the Appeals unit. A copy is also given to the applicant/recipient.

Any Other Written Form

A hearing requested in this manner must include identifying information (e.g., date of birth or social security number) and information about the action which they are appealing.
5.4.3 Time Limits for Request

Although all requests will result in a scheduled hearing, only those requests filed within certain time limits are within the jurisdiction of the hearing officer.

1. A request for a hearing on a discontinuance/change must be date stamped within 30 days after the date of the action with which the claimant is dissatisfied. This date shall be the date on which the notice was mailed to the claimant.

2. A request for a hearing on a denial must be date stamped within 30 days of the date of the denial NOA.

3. A request for a hearing on an inaction by the Agency must be filed within 30 days of the date the Agency should have taken action.

5.4.4 Time Limit for Aid Paid Pending

The recipient MAY be eligible to receive GA benefits pending the decision of the appeals hearing officer if the hearing request is date-stamped as received within seven days of the date of the NOA. [Refer to “Non-Automatic Hearings”, page 5-5] for further information/procedures for Aid Paid Pending a Hearing.

Note:

Aid Paid Pending a Hearing does not apply to denials or new applications. [Refer to “Non-Automatic Hearings”, page 5-5] for further information/procedures on “Aid Paid Pending.”

5.4.5 Scheduling the Hearing - Appeals Worker

Upon receipt of a request for a hearing, the Appeals Worker shall schedule the applicant/recipient for the next available hearing date.
5.5 Aid Paid Pending (APP) a Hearing Decision

5.5.1 APP Definition

Aid Paid Pending a hearing is the continuation of Aid or services in the amount the claimant would have received if the proposed action was not taken.

5.5.2 GA Policies

GA Policy [123] - Aid Continued Pending Decision of Hearing Officer Non-Automatically Scheduled Hearings

If the request for an appeal hearing (other than an automatically scheduled hearing) is filed personally or by mail within seven days (7) of the notice of action, aid shall not be terminated or reduced pending the issuance of a written decision by the Hearing Officer. The request shall be filed with the Social Services Agency, Appeals Unit. If the request for a hearing is filed by mail, it must be sent by United States mail with the postage prepaid and with a postmark establishing that the date of mailing was within seven days (7) of the notice of action by the Agency. However, aid may be terminated or reduced immediately if the termination or reduction of aid is based on a change in state law, county policies, or Agency regulations or procedures.

GA Policy [124] - Aid Continued Pending Hearing Date Automatically Scheduled Hearings

If the automatically scheduled hearing date is later than the date of the proposed discontinuance and sanction, aid shall be paid pending the hearing and decision.

5.5.3 Notification of Hearing Request

The Appeals Clerk shall, upon receipt of a request for a hearing, make a TMT request for EW assignment. The notification is made on the “Notification of Hearing Request” (SCD 555). This form will also be used to indicate if Aid Paid Pending is to be issued (for both automatic and non-automatic hearings).
Reminder:
Aid Paid Pending shall be paid by the assigned EW ONLY after the EW is notified in writing or by SCD 555 completed by the Appeals Worker.

Note:
No Aid Paid Pending shall be issued as a result of a change in:

- Board of Supervisors policies
- Agency regulations
- State law
- Federal law

5.5.4 Determination of Timely NOA

Upon receipt of the CalWIN Alert and SC 555 authorizing payment of APP, the assigned EW must first determine whether the Notice of Action (NOA) was issued in a timely manner.

If the NOA was NOT timely, the assigned EW must send a new NOA with the correct adverse action effective date. A new request for hearing and/or authorization for APP is not required.

5.6 Issuance of Aid Paid Pending (APP)

APP payments are to be issued on a monthly basis in the same amount as the original grant received PRIOR TO DISCONTINUANCE OR REDUCTION. APP will be issued as a continuing grant to both the client and the landlord. The effective date of APP is the date immediately following the CORRECT (i.e., timely NOA) effective date of the adverse action.

The assigned EW shall take the following steps to issue APP:

- Makes changes in CalWIN Data Collection subsystem and changes the amount the claimant would have received if the proposed action was not taken. The changes must be made effective the first of the month for which APP is to be issued.

- If the case has been discontinued, rescind the action and restore the continuing grant for BOTH the recipient and the landlord. If the grant has been reduced, increase the continuing grant to the amount received prior to the adverse action.
CalWIN calculates the first APP month’s payment by deducting to which amount paid prior to the receipt of the “Notification of Hearing Request” (SCD 555) from the total amount of APP the recipient is entitled to.

Issue past due APP on an immediate need basis, as appropriate with Supervisory approval. Issue future APP automatically as a continuing grant.

Take action to change the case status upon receipt of the hearing decision.

<table>
<thead>
<tr>
<th>If Agency’s Proposed Action is:</th>
<th>Then the assigned EW Must:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upheld,</td>
<td>Discontinue/reduce the grant amount effective the first of the following month. A new NOA is NOT required. Establish any resulting overissuances.</td>
</tr>
<tr>
<td>Overturned,</td>
<td>Continue the aid payment since the claim will be granted.</td>
</tr>
</tbody>
</table>

5.6.1 Example #1 — Untimely NOA

1. GA is discontinued effective 10/31, and the EW receives a TMT Request and form “Notification of Hearing Request” (SCD 555) attached, from Appeals to authorize APP. The EW determines that the NOA was not timely.

2. Since the NOA is NOT TIMELY, the case must be restored. The payment must be sent to both the client and to the landlord. A new notice must be sent with an effective date of 11/30.

3. APP will begin 12/1 AFTER the November payments have been issued. No new hearing request is necessary.

4. If the client is employable, the assigned EW notifies VS and the Appeals unit of the NEW negative action date because the NOA for discontinuance was not timely. A new notice must be sent and a new hearing may be requested.

5.6.2 Example #2 — Grant Reduction

1. A NOA to reduce the grant from ($312) to ($200) is sent to the client on 11/20 and is effective 11/30. The Appeals Worker creates a TMT Request for EW assignment. Completes an SCD 555 to notify the assigned EW that on 12/3 the client has filed an appeal and that APP must be paid.
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2. Prior to the grant reduction, the authorized payment to the landlord was ($300) and payment to the client was ($12).

3. The entire reduced grant ($200) for 12/1 has already been issued to the landlord. On 12/3, APP begins for December.

4. Calculate the initial APP amount for December, the reduced grant ($200) is deducted from the total grant received prior to the reduction ($312).

5. $100 of the remainder ($112) is issued to the landlord, and ($12) is issued to the client. UNDER NO CIRCUMSTANCES SHOULD THE TOTAL PAYMENT FOR THE MONTH (reduced grant plus APP) EXCEED THE MAXIMUM MONTHLY GRANT AMOUNT.

6. If the decision is not received by 1/1, the APP total amount ($312) will be paid the same as a regular continuing monthly grant, both to the client and to the landlord until a Hearing decision is received.

5.6.3 Changes During APP Period

Any changes occurring during the APP period requires normal EW determinations and actions. Such changes include, but are not limited to:

• Processing QR 7’s and the resulting changes.
• Processing reinvestigations
• Making budget changes.
• Sending NOA’s.
• Discontinuing for reasons other than the one being appealed.

APP Automatic Hearings

APP shall be paid ONLY in the following circumstances:

• If the date of the hearing is later than the proposed discontinuance and sanction; or
• If the automatic hearing is rescheduled.

Note:
The hearing may only be rescheduled if:

- The client shows good cause for missing the original hearing date, or
- The Agency requests that it be rescheduled.
Cessation of APP

Eligibility for APP stops when:

• The client cancels the hearing.
• The client does not appear for the hearing.
• The client reschedules a hearing with no good cause.
• A hearing decision has been made.

Note:
The Appeals Supervisor is responsible for determining good cause.

It is NOT necessary to send a NOA when APP stops.

5.7 Pre-Hearing Procedures

5.7.1 Withdrawals

The applicant/recipient may, at any time, withdraw their request for a hearing. There are two types of withdrawals:

1. Conditional withdrawals, and
2. Non-conditional withdrawals.

Note:
No staff member may REQUEST an applicant/recipient to withdraw. Withdrawals are always voluntary.

5.7.2 Conditional Withdrawal

A conditional withdrawal is completed when applicants/ recipients decide to withdraw their request for hearing IF the county agrees to a condition. Conditional Withdrawals MAY ONLY be negotiated by the Appeals Worker.

Example:

Action: The NOA for a discontinuance was not timely. (The NOA must be dated ten (10) days prior to the effective date of the NOA). A new notice must
be sent and a new hearing may be requested.

**Conditional Withdrawal:** The request for a hearing is withdrawn ON THE CONDITION THAT the NOA be rescinded and aid be restored.

### 5.7.3 Non-Conditional Withdrawal

A “non-conditional” or straight withdrawal is a withdrawal which has no conditions attached to it. A non-conditional withdrawal may be accepted by the assigned EW. If the assigned EW accepts a non-conditional withdrawal from the applicant/recipient, it is to be given immediately to the Appeals Worker.

**Example:**

**ONE:**

**Action:** A client requests a hearing based on the fact that her GA grant is not enough money to rent her own apartment. Aid paid pending is not an issue because there has been no reduction or discontinuance. The Appeals Representative discusses the regulations and the grant amount with the client.

**Non-conditional withdrawal:** The client realizes that regulations do not permit her to receive a larger grant. She requests a non-conditional withdrawal of her request for a hearing. No action is required by the EW.

**Example:**

**TWO:**

**Action:** A client begins a job, earning minimum hourly wage. He reports this change and his GA grant is discontinued. He files a hearing request because he does not want the grant to stop until he gets enough money to move into his own apartment. Aid Paid Pending is established as his request was received within 7 days of the date of NOA. The Appeals Worker explains the regulations to him. The worker must explore GA Policy [275] as the client maybe eligible for the “Employment or Training Commencement Payment” per Policy GA [275].

**Non-conditional withdrawal:** The client realizes that the hearing will be a waste of time, and that he would have to take time off from his new job to come to the hearing. He requests a non-conditional withdrawal of his request for a hearing. Aid Paid Pending stops as of the date he signs the non-conditional withdrawal, and the case is closed.
5.7.4 “Withdrawal Request for GA Hearing” (GA 21)

The GA 21 form shall be used for all conditional withdrawals. It may also be used for non-conditional withdrawals, but is not required. The form GA 21 is to be completed in duplicate. The original belongs with the Appeals Worker to be scanned for IDM and the copy is to be given to the applicant/recipient.

NOTE: Conditional withdrawals are established based on a promise to correct a county error. This error or issue must be corrected on the case without delay. There is no need to wait for the client to return the signed GA 21 in order to take action.

5.8 Hearing Procedures

5.8.1 GA Policy [125]

Conduct of Hearings by Hearing Office

The hearing will be conducted by an impartial Hearing Officer designated by the Director of the Social Services Agency or his/her designee. An applicant or client may appear personally, through an authorized representative or through counsel, and may present any evidence relative to the disputed action.

For automatically scheduled appeal hearings, the Agency will make its position available to the recipient at least two (2) days before the scheduled hearing.

The case worker who initiated the disputed action shall be directed by the Agency to be present at the hearing, provided he or she is employed by the County of Santa Clara. If such case worker is no longer employed by the County, the Agency shall direct an employee who is knowledgeable about the disputed action to be present at the hearing. If such case worker (or such knowledgeable employee) is not present at the hearing, the applicant or recipient, upon request, shall be granted a continuance of the hearing for a period not to exceed 15 days in order to allow for such case worker (or such other knowledgeable employee) to be present, or may elect to proceed with the hearing in the absence of such person. An automatic hearing shall only be rescheduled if the recipient shows good cause (as defined in Policy GA [231] for missing the initial hearing; or, if the Agency requests a new date. Aid pending such rescheduled hearing shall be continued.
The Hearing Officer shall administer an oath or affirmation to all witnesses. All testimony shall be tape-recorded. The Hearing Officer shall issue a written decision on the day of the hearing.

### 5.8.2 Presence Required at Hearing

The EW or VS Counselor who initiated the action which led to the applicant/recipient's request for hearing shall be present at the hearing when necessary, if that worker is still employed by the county. If that EW or VS Counselor is no longer employed by the county, or is not able to be present at the hearing, some other knowledgeable employee shall be present. If the EW, VS Counselor or other knowledgeable employee cannot attend the hearing, the applicant/recipient may request and be granted a continuance of the hearing for up to 15 days.

### 5.8.3 Appeals Worker

At the hearing, the Appeals Worker shall assume full responsibility for the presentation of the county's case. The presentation shall include summarizing the written position statement, presenting the testimony of county witnesses, cross-examining the testimony of the claimant and the claimant's witness, and responding to any questions from the claimant or hearing officer concerning the case. The Appeals Worker shall have authority at the hearing to make binding agreements and stipulations on behalf of the Agency.

### 5.8.4 Testimony

The following are some basic rules for testifying at an appeal hearing:

- When testifying use common language and good grammar. Avoid the use of slang or agency jargon, unless necessary, in which case it should be followed by an explanation. Speak in a natural straightforward conversational tone, not stiff or monotonous.

- Listen carefully to each question. Do not answer a question until it is completely understood. If you do not understand, say so, and ask that the question be repeated or rephrased. DON'T GUESS. If a question is compound or calls for more than one answer, be careful to identify and answer each part separately.

- In the testimony, refer to a person by name rather than by the use of pronouns such as "he", "she", or "they", so that all present will at all times know to whom you are referring.
• Take whatever time is necessary (within reason) to answer a question. Do not allow yourself to be rushed. Whenever there is an objection (regardless of who makes it) immediately stop testifying and do not resume until the objection has been ruled upon.

• Answers must be responsive to the questions. The best answer is the short answer. However, the answer must be clear and complete. If you are asked for a “yes” or “no” answer, but feel that such an answer would not be adequate, say so and ask permission of the Hearing Officer to explain the answer. Do not exaggerate. Do not volunteer testimony. If you do not know or cannot remember the answer to a question, say so with the same conviction as any other question that is answered.

• If you do something at all interviews (or on all occasions), but don’t remember the specific interview or occasion, you may still testify truthfully based on your habit and custom.

Example:
I always read the certification statement regarding penalty of perjury, then explain what it means, before I allow any applicant/client to sign the Statement of Facts.

This has always been my procedure.

Therefore, if this Statement of Facts was processed by ME and bears MY signature, the applicant/recipient was advised regarding certification under penalty of perjury before the Statement of Facts was signed.

• If you need to refer to a document (or narrative) before answering a question, ask for permission to do so (if necessary), examine the document (or narrative), and then answer the question.

• While everyone is nervous before testifying, you have nothing to fear. Simply tell the truth! Answer each question to the best of your ability, based upon your best knowledge.

• Opinions should not be given unless requested. When given, explain that it is your opinion. Avoid the use of conclusions. For example, rather than testify that the applicant/recipient was nervous, describe what it was about the applicant/recipient that led to your conclusion, such as trembling, stuttering, sweating, etc.
5.8.5 GA Policy [233]

Willfulness Determination by Hearing Officer

Willfulness, as determined by the Hearing Officer, is an intentional or deliberate act or omission by a GA client resulting in a violation of a sanctionable policy or regulation. Violations that are committed negligently, inadvertently, through good faith error in judgement, or because of mental or physical disability, are not considered to be willful.

Negligence or inadvertence are defined as carelessness, haste, lack of attention and/or forgetfulness.

5.8.6 Hearing Officer Willfulness Determination

The Hearing Officer shall make a determination of willfulness in accordance with GA Policy [233].

Willfulness is more than a single incidence of negligence or inadvertence. The determination of willfulness will be based on the facts in each specific case. In some cases there may be direct evidence of willfulness. In other cases, willfulness may be inferred from the client's actions.

Example:
A series of failures (for which negligence is claimed), occurring periodically and with consistent regularity, may lead to a finding of willfulness.

Example:
Poor attitude, coupled with misconduct, may result in a finding of willfulness.

Example:
A failure after repeated warnings may result in a finding of willfulness.

5.8.7 Hearing Officer Decision

The Hearing Officer shall issue a written decision on the day of the hearing, using the “General Assistance appeals Hearing Decision” (CalWIN 6) or GA 33.
For work-related violators:

<table>
<thead>
<tr>
<th>If the Hearing Officer Determines that the Violation:</th>
<th>Then:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did not occur, or, occurred with “good cause,”</td>
<td>The proposed actions shall not be taken.</td>
</tr>
<tr>
<td>Occurred without “good cause,” but not willfully, (Up to 2 negligents),</td>
<td>The proposed actions shall not be taken.</td>
</tr>
<tr>
<td>Occurred willfully and without “good cause,”</td>
<td>Both the discontinuance and the sanction shall be imposed.</td>
</tr>
<tr>
<td>Occurred without “good cause” but not willfully. (More than 2 negligents),</td>
<td>Both the discontinuance and the sanction shall be imposed.</td>
</tr>
</tbody>
</table>

**Note:**
The discontinuance and/or sanction shall take effect whether or not the client requests an administrative review.

## 5.9 Hearing Decision and Compliance

### 5.9.1 Notification of Decision

The VS Appeals Clerk will, upon receipt of the Hearing Officer's decision, forward a copy to the EW and to the applicant/client. If compliance is necessary, immediate action shall be taken by the EW to send the Hearing decision to be scanned in IDM on F6. All actions taken including Resolution of the Dispute must be documented in CalWIN **Maintain Case Comments** window.
5.10 Administrative Review by Director

5.10.1 GA Policy [127]

Administrative Review by Director

If the applicant/recipient or the General Assistance Program Manager is dissatisfied with the decision of the Hearing Officer he/she may request an administrative review by the Director of the Social Services Agency or his/her designee. Such request must be filed in writing within 15 days after notification of the decision of the Hearing Officer, with the Director, Social Services Agency, 333 W. Julian Street, San Jose, CA 95110. The request must specifically state the reason or reasons why the applicant or recipient believes the Hearing Officer's decision was incorrect. The Director or the Director's designee shall review the Hearing Officer's decision.

Within 15 days after receiving the request for review, the Director or designee shall notify the applicant or recipient and the General Assistance Program Manager whether the Hearing Officer's decision was correct. The Hearing Officer's decision shall stand pending the Director's review.

5.10.2 Applicant/Recipient Request

An applicant/recipient who is dissatisfied with the decision of the Hearing Officer may request an administrative review by the Director of the Social Services Agency.

5.10.3 Supervisor or Worker’s Request

If, after consultation with the EW Supervisor, a worker believes that the decision of the Hearing Officer does not comply with GA rules and regulations, s/he is to notify the GA Social Services Program Manager. The GA Social Services Program Manager may, at that point, request an administrative review by the Director of the Social Services Agency.
5.10.4 Request and Contents

The request for administrative review shall:

1. Be completed using the “General Assistance Administrative Review by Director” (GA 40). The form is online on SSA Intranet -DEBS Forms Library.

2. State on the GA 40 specifically the reason(s) why it’s believed that the Hearing Officer’s decision is incorrect.

3. Be sent (the completed GA 40 request) by the District Office to the DEBS Director or the Director’s designee to complete the “Office Use Only” section of the form.

4. Be filed/completed within 15 days after the date of the notification of the decision of the Hearing Officer.

5.10.5 Director's Review

The Director of the Social Services Agency or the Director's designee shall:

• Review the Hearing Officer's decision.
• Make a determination for correctness of the decision and complete the “Office Use Only” section of the GA 40.
• Return the completed GA 40 to the Appeals unit within the 15 days allotted time to ensure the applicant/recipient/Agency staff are notified of the decision.

5.10.6 Administrative Review (A/R) Process

The following process must be follow for GA Administrative Reviews:

<table>
<thead>
<tr>
<th>ACTION</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Client</td>
<td>• Submits a GA 40 request for Administrative Review</td>
</tr>
<tr>
<td>GA Clerk</td>
<td>• Receives and date stamps the GA 40 submitted by the client</td>
</tr>
<tr>
<td></td>
<td>• Scans the GA 40 and sends it to the Appeals e-mail:</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:asbappeals@ssa.sccgov.org">asbappeals@ssa.sccgov.org</a></td>
</tr>
<tr>
<td></td>
<td>• Forwards the original GA 40 to the Appeals clerk</td>
</tr>
<tr>
<td>Note:</td>
<td>Clients may also submit an A/R request in any other written statement.</td>
</tr>
<tr>
<td></td>
<td>The statement must contain the specific reasons of why the client</td>
</tr>
<tr>
<td></td>
<td>believes the Hearing Officer’s decision was incorrect.</td>
</tr>
</tbody>
</table>
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#### Appeals

<table>
<thead>
<tr>
<th>ACTION</th>
<th>ACTION</th>
</tr>
</thead>
</table>
| Appeals Clerk | • Receives and date stamps the original GA 40  
• Makes appropriate entries in the Clerical Administrative Review (A/R) log  
• IDs case in VSAS and forwards the GA 40 to the previously assigned AO. |
| Appeals AO | • Receives the GA 40 from clerk  
• Reviews the request and researches VSAS/CalWIN in order to make a recommendation  
• Documents the recommendation in CalWIN/VSAS  
• Generates an Approval or Denial Recommendation Letter and forwards it to the Appeals Supervisor. |
| Appeals Supervisor | • Receives the GA 40 with Recommendation Letter from Appeals AO  
• Makes an Administrative Review determination  
• Signs the Approval or Denial Recommendation Letter and forwards it back to the AO. |
| Appeals AO | • Receives the Approval or Denial Recommendation Letter from the Appeals Supervisor  
• Creates a list of Approval and Denial Recommendation Letters and e-mails to the Appeals Clerk and Vocational Services (VS) Lead  
• Forwards the hard copies of the Approval and Denial Recommendation Letters to the Appeals Clerk. |
| Appeals Clerk | • Receives the e-mail and recommendation letters from the Appeals AO |

<table>
<thead>
<tr>
<th>If the A/R is...</th>
<th>Then...</th>
</tr>
</thead>
</table>
| Approved        | • Creates a TMT request for District Office to rescind the benefit  
• Mails the letter to client and forwards a copy for IDM scanning. |
| NOT approved    | • Mails the letter to client and forwards a copy for IDM scanning |

| VS Lead | • Receives the e-mail with the list of completed A/Rs  
• Ensures that appropriate entries are made in CalWIN and VSAS; including removing sanctions and changing hearing decisions in VSAS as per current process. |
### 5.11 Automatic Hearing Process

Clients who fail without good cause to comply with Vocational Services (VS) requirements are scheduled an automatic hearing through the VSAS system as follows:

<table>
<thead>
<tr>
<th>WHO</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Client</td>
<td>• Fails without good cause to comply with VS requirements.</td>
</tr>
<tr>
<td></td>
<td><strong>NOTE:</strong> On the first working day of the month, the Vocational Services (VS) department runs all no shows in VSAS.</td>
</tr>
<tr>
<td>Appeals Officer (AO)</td>
<td>• Generates a list of valid hearings from VSAS, according to hearing schedules.</td>
</tr>
<tr>
<td></td>
<td>• Sends the Notice of Proposed Action (GA 239)/Hearing Appointment to the client</td>
</tr>
<tr>
<td></td>
<td>• Generates Position Statement after NOA review</td>
</tr>
<tr>
<td></td>
<td>• Returns valid Position Statement to Appeals Clerk. on the day of the scheduled hearing.</td>
</tr>
<tr>
<td></td>
<td><strong>NOTE:</strong> For invalid hearings, the hearing status must be changed to “cancel” in VSAS. This is done only for cases that have not been heard.</td>
</tr>
<tr>
<td>Client</td>
<td>• Receives a Notice of Proposed Action (GA 239) with information on the Automatic Hearing appointment date, time, and location.</td>
</tr>
<tr>
<td></td>
<td>• Appears to the scheduled hearing appointment.</td>
</tr>
<tr>
<td>Appeals Clerk</td>
<td>• Receives valid Position Statement from AO and prepares copies for the client and the Hearing Officer, on the day of the scheduled hearing.</td>
</tr>
<tr>
<td></td>
<td>• Checks-in client on Hearing Appointment list</td>
</tr>
<tr>
<td></td>
<td>• Distributes materials to AO and client, and the original to Hearing Officer</td>
</tr>
<tr>
<td></td>
<td>• Provides client a Hearing Ticket.</td>
</tr>
<tr>
<td>Appeals AO</td>
<td>• Greets and escorts the client to Hearing Room.</td>
</tr>
<tr>
<td>Hearing Officer</td>
<td>• Conducts the Hearing</td>
</tr>
<tr>
<td></td>
<td>• Completes the Position Statement with decision</td>
</tr>
<tr>
<td></td>
<td>• Returns Position Statement with Hearing Decision to AO.</td>
</tr>
</tbody>
</table>
### 5.11.1 Client No Show for Scheduled Automatic Hearing

The following steps are to be followed when the clients do not appear to the scheduled Automatic Hearing:

<table>
<thead>
<tr>
<th>WHO</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Client</td>
<td>• Fails without good cause to comply with VS requirements</td>
</tr>
<tr>
<td></td>
<td>• Receives a Notice of Proposed Action (GA 239) with the Automatic</td>
</tr>
<tr>
<td></td>
<td>Hearing appointment date, time, and location</td>
</tr>
<tr>
<td></td>
<td>• Does NOT Appear to the scheduled hearing appointment.</td>
</tr>
<tr>
<td>Appeals AO</td>
<td>• Collects the No-Show Position Statements from clerical at the end of</td>
</tr>
<tr>
<td></td>
<td>the Hearing</td>
</tr>
<tr>
<td></td>
<td>• Forwards the No-Show Position Statements to the Hearing Officer for</td>
</tr>
<tr>
<td></td>
<td>decision.</td>
</tr>
<tr>
<td>Hearing Officer</td>
<td>• Completes the Position Statement with decisions and returns these to</td>
</tr>
<tr>
<td></td>
<td>the Appeals AO.</td>
</tr>
<tr>
<td>Appeals AO</td>
<td>• Receives Position Statement from Hearing Officer and follows the</td>
</tr>
<tr>
<td></td>
<td>steps below:</td>
</tr>
</tbody>
</table>

**NOTE**: The client may request for an Administrative Review upon receipt of Position Statement. [Refer to “Administrative Review (A/R) Process”, page 5-19]
### Appeals

#### 5.12 Non-Automatic Hearings

The following steps must be followed when an applicant or recipient files a written request for a Fair Hearing:

<table>
<thead>
<tr>
<th>WHO</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Client</td>
<td>• Files a written request for a Fair Hearing</td>
</tr>
<tr>
<td>Appeals Clerk</td>
<td>• Receives Fair Hearing request</td>
</tr>
<tr>
<td></td>
<td>• Creates a case file with program, case details, and case members</td>
</tr>
<tr>
<td></td>
<td>• Enters request in GA Fair Hearing log</td>
</tr>
<tr>
<td></td>
<td>• Makes entries in County Subsystem in CalWIN</td>
</tr>
<tr>
<td></td>
<td>• Forwards case file to Appeals Supervisor.</td>
</tr>
<tr>
<td>Appeals Supervisor</td>
<td>• Receives case from clerk</td>
</tr>
<tr>
<td></td>
<td>• Assigns case to appropriate AO</td>
</tr>
<tr>
<td></td>
<td>• Enters assignment in GA Fair Hearings log.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appeals AO (cont.)</th>
<th>If...</th>
<th>Then...</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Client is sanctioned</td>
<td>• Makes appropriate CalWIN entries for overnight batch.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Checks CalWIN the following work day to ensure that sanction took place.</td>
</tr>
<tr>
<td></td>
<td>NOT sanctioned</td>
<td>• Makes appropriate entries in VSAS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Provides client with the next scheduled VS appointment letter printed from VSAS.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Forwards all documents/forms to the Appeals clerk for IDM</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Sends a copy of the Position Statement to the client.</td>
</tr>
</tbody>
</table>

**NOTE:** The client may request an Administrative Review upon receipt of Position Statement. [Refer to “Administrative Review (A/R) Process”, page 5-19]
### Appeals

<table>
<thead>
<tr>
<th><strong>WHO</strong></th>
<th><strong>ACTION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals AO</td>
<td>• Receives case file from Appeals Supervisor</td>
</tr>
<tr>
<td></td>
<td>• Reviews case to determine Aid Paid Pending (APP) and type of error:</td>
</tr>
<tr>
<td></td>
<td>• <strong>Note:</strong> If APP is granted, a request is sent to clerical to create a TMT for APP process at the GA office.</td>
</tr>
</tbody>
</table>

#### If this is a...

- **County error**
  - Requests clerical to create a TMT for correction of the error at GA office. Refer to ["Compliance Request and Escalation Process", page 37-26](#)
  - Contacts client to discuss the case and offer Conditional Withdrawal.

<table>
<thead>
<tr>
<th><strong>If the client...</strong></th>
<th><strong>Then...</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accepts Conditional Withdrawal</td>
<td>• Sends GA 21 to client</td>
</tr>
<tr>
<td></td>
<td>• Documents in County Subsystem in CalWIN</td>
</tr>
<tr>
<td></td>
<td>• Submits all documents for IDM.</td>
</tr>
</tbody>
</table>

| Does NOT accept Conditional Withdrawal | • Schedules a hearing date                                                      |
|                                       | • Prepares Position Statement                                                  |
|                                       | • Sends a copy of the Position Statement to clerical on the hearing date.      |

<table>
<thead>
<tr>
<th><strong>NOT a county error</strong></th>
<th><strong>Then...</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Contacts the client to discuss the case and offer withdrawal.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>If client...</strong></th>
<th><strong>Then...</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accepts withdrawal</td>
<td>• Sends GA 21 to client</td>
</tr>
<tr>
<td></td>
<td>• Documents in County Subsystem in CalWIN</td>
</tr>
<tr>
<td></td>
<td>• Submits all documents for IDM.</td>
</tr>
</tbody>
</table>

| Does NOT accept the withdrawal | • Schedules a hearing date                                                      |
|                                | • Prepares Position Statement                                                  |
|                                | • Sends a copy of the Position Statement to clerical on the hearing date.      |

<table>
<thead>
<tr>
<th><strong>Client</strong></th>
<th><strong>Then...</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Appears for Hearing appointment.</td>
</tr>
</tbody>
</table>
### 5.12.1 Client No Show for Requested Hearing

The following steps are to be followed when the clients do not appear to the scheduled Automatic Hearing:

<table>
<thead>
<tr>
<th>WHO</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Client</td>
<td>Does not appear to the scheduled Hearing.</td>
</tr>
<tr>
<td>Appeals AO</td>
<td>• Collects the No-Shows Position Statements from clerical at the end of the Hearing</td>
</tr>
<tr>
<td></td>
<td>• Forwards the No-Shows Position Statements to the Hearing Officer for decision.</td>
</tr>
<tr>
<td>Hearing Officer</td>
<td>• Completes the Position Statement with decisions and returns these to the Appeals AO.</td>
</tr>
</tbody>
</table>
5.13 Review of GA or SSI Repayment Amounts

5.13.1 Client Request

Any person may request a hearing for the purpose of reviewing the amount of GA or SSI repayable. An EW is not required to attend this hearing.

**WHO** | **ACTION**
--- | ---
Appeals AO | • Receives Position Statement from hearing Officer  
• Sends the Decision Statement to the client  
• Forwards all documents for IDM.
Client | Receives the copy of the Decision Statement.  
**NOTE:** The client may request for an Administrative Review upon receipt of Decision Statement. [Refer to “Administrative Review (A/R) Process”, page 5-19].