



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

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Effective Date: August 1, 2000

Issuance Date: August 10, 2000

TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF
HEARING AND APPEALS COORDINATORS, LOCAL DEPARTMENTS
OF SOCIAL SERVICES

FROM: *Charles E. Henry*
CHARLES E. HENRY, ACTING EXECUTIVE DIRECTOR, FIA
Susan Fernandez
SUSAN FERNANDEZ, DEPUTY SECRETARY, OFFICE OF PLANNING

RE: WITHDRAWAL OF REQUEST FOR HEARING FORM (DHR/OS 87) -
REVISION AND INSTRUCTIONS

PROGRAM AFFECTED: ALL PROGRAMS

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

SUMMARY:

Applicants or customers have the right to file an appeal and request a hearing if a local department's decision adversely affects their benefits or other services. Use the Withdrawal Of Request For Hearing (DHR/OS 87) form when an applicant or customer withdraws the request for a hearing.

An appeal may be withdrawn during any stage of the hearing process. The Withdrawal Of Request For Hearing form was revised (copy attached) to provide information concerning the rights of applicants or customers to:

- ☐ A hearing;
- ☐ Review their local department case records (electronic and paper);
- ☐ Review the procedures that outline corrective actions and recoupment; and
- ☐ Free legal services to help with the hearing process.

This action transmittal provides instructions for the use of the withdrawal form, including direction on steps to take to fully inform applicants and customers of the information on the revised form.

ACTION REQUIRED:

Anyone applying for or receiving cash assistance, food stamps, medical assistance or any other program benefits and services has the right to appeal and request a hearing when they disagree with the local department's decision to deny, reduce or terminate program benefits.

□ APPEALS:

- When an appeal request is received, the local department must offer the applicant or recipient a conference. The applicant or customer does not have to agree to the conference and the conference cannot delay or replace a hearing.
- In the Baltimore City Department of Social Services, only the Appeals Unit may conduct this informal conference and offer the Family Investment Program applicant or customer a withdrawal form.
- If both parties reach an informal resolution of the disputed action during this conference, or at any other time, the applicant or customer can withdraw the appeal in writing. Use the **"Withdrawal Of Request For Hearing (DHR/OS 87 Revised 7/00)"** form when the decision is reached to withdraw a hearing.

□ REVIEW OF CASE RECORD:

- Applicants, customers and their legal representatives have the right to review their paper and computer case records prior to:
 - Signing a withdrawal of request for a hearing.
 - The scheduled hearing date.

□ FREE LEGAL SERVICE:

- Local departments must advise households of any legal services that might be available to represent them during the informal conference and a fair hearing. Some households may be eligible for free legal representation.
- To find out the number of their local Legal Aid office, customers may call Legal Aid's toll-free number, 1.800.999.8904.

□ WITHDRAWAL OF THE REQUEST FOR A HEARING:

- Before the withdrawal form is signed, the local department must inform the applicant or customer of the:
 - Effect of initialing and signing the withdrawal form.

- Action the local department has agreed to take, and the date by which the action will be taken.
 - Policies and procedures on which the local department based its decision.
 - In the Baltimore City Department of Social Services, only the Appeals Unit may provide a withdrawal form to Family Investment Program applicants or customers.
- **HEARINGS:**
- If a signed withdrawal form is not received prior to the beginning of the hearing, the Administrative Law Judge shall hold the hearing.
 - The local department explains its decision by presenting the policies and procedures on which the decision was based.
 - The applicant, customer or legal representative has the opportunity to subpoena witnesses, question the Social Services representative, and present evidence and witnesses to explain why they believe Social Services was wrong.
 - Within 90 days of the date the request for a hearing was filed, the hearing is held and the applicant, customer or legal representative is notified of the Administrative Law Judge's decision on the case.
 - Going to a hearing does not affect any current application for or benefits and services received by the applicant or customer.

ACTION DUE:

Effective August 1, 2000.

INQUIRIES

Please direct questions to Edna McAbier, Bureau of Policy and Training (FIA), at 410.767.8805.

c: DHR Executive Staff
FIA Management Staff
Constituent Services
Help Desk
CTF

WITHDRAWAL OF REQUEST FOR HEARING

Customer Name: _____
Customer SS# or Client ID#: _____
OAH Number: _____
Hearing Date: _____

have filed a request for hearing. I now withdraw this request (choose one below):

Because: (explain other reason)

I withdraw my request for a hearing knowing that (please initial each line):

- Customer Signature: _____ Date: _____

DHR/OS 87 (Revised 7/00) Previous editions are obsolete.