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, ACTING EXECUTIVE DIRECTOR, FIA
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An appeal may be withdrawn during any stage of the hearing process.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

To: Office of Administrative Hearings
    Administrative Law Building
    11101 Gilroy Road
    Baltimore, Maryland 21031-1301

Customer Name: ____________________________
Customer SS# or Client ID#: ___________________
OAH Number: ______________________________
Hearing Date: ______________________________

I, ______________________________________ of ______________________________________
__________________________________________
(County)

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

Because the Department of Social Services ("Social Services") has agreed to address
the specific reason I am appealing by doing the following:

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Social Services will take this action by: __________________________
(Date)

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

____ I may be eligible for free legal representation before the hearing and that, if I am eligible,
my legal representative could review what Social Services has told me.

____ I have a right to look at my case record, including computer records, before I sign this
withdrawal.

____ If I had a hearing, an Administrative Law Judge, who does not work for Social Services,
would decide my case. I would have a hearing and a decision within 90 days of the date I
filed my request for a hearing.

____ If I went to a hearing, Social Services would have to explain its decision. I would have
an opportunity to subpoena witnesses, question the Social Services representative, and
present evidence or witnesses to explain why I believe Social Services was wrong.

____ Going to a hearing would not affect any current application for Social Services benefits
or any of my other benefits.

Customer Signature: ____________________________ Date: ____________________________

Representative of Social Services Signature: ____________________________________

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

White Copy – OAH  Yellow Copy-Local Departmental/OAH  Pink Copy- Appellant