

## **XV. Fair Hearings**

All hearings requested by applicants or recipients will be held within five working days of the receipt of the request. The Department will notify the person requesting the hearing of the time and place of hearing. The client will be contacted at least 72 hours in advance of the hearing.

One postponement of a scheduled fair hearing will be granted if the claimant has a valid reason for not being able to attend. Otherwise, if the claimant does not appear at the second scheduled hearing, the claimant will lose his or her right to a fair hearing. Fair hearings are not subject to formal requirements or rules of courts of law. However, they shall be conducted in such a manner as to ensure that the claimant has the opportunity to be fully heard and to maximize the fairness of all proceedings and all decisions arising out of such proceedings.

The appellant may designate counsel or another person to represent him or her. The appellant or his or her representative has the right to examine all materials in the appellant's case file and any materials relevant to the Department's decision prior to the fair hearing.

The Administrator of Welfare or his/her authorized representative has the right to examine all materials and documents on which the appellant plans to rely prior to the hearing. The Administrator will attend the hearing and testify as to his or her actions and the reasons for them.

The burden of proof is on the party challenging the status quo. Both parties may present witnesses in their behalf. Both parties have the right to cross-examine all witnesses.

The fair hearing committee will reach their decision solely on the basis of the evidence presented to it at the hearing. The fair hearing committee will not examine the record of a case prior to hearing it. The fair hearing committee has the right to adjust the amount of assistance.

Fair hearing decisions are rendered in writing within seven working days of the hearing. The fair hearing committee will set forth the reasons for their decision and the facts relied on. A copy will be mailed or delivered to the appellant and to the City Welfare Department.

Fair hearing decisions are rendered on the basis of the fair hearing committee's findings of fact, these guidelines, and state and federal law. Each decision will set forth an award or denial of appropriate relief.

Fair hearings in no way limit any right of an appellant to seek subsequent court action to review or challenge a Welfare Department decision. A recipient may continue to receive assistance until the fair hearing if he/she so requests it.