

63-002 State Hearings

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63-002.1
General

A State hearing is a form of administrative hearing, whereby a dissatisfied household can exercise their right to a fair and impartial (just and unbiased) review of a HHSA action or inaction.

The State Hearings Division is responsible for the overall administration of the hearing process and for providing Administrative Law Judges (ALJ's) to conduct the hearings.

Once a request for hearing has been made, the process continues until:

- The issue is heard and a decision rendered, or
- The household withdraws or conditionally withdraws their hearing request, or
- The household abandons their hearing.

63-002.2
Filing Requests
for State
Hearings

Even when actions taken by staff appear correct, based on the regulations, the worker **shall not** discourage the household from seeking a review of the action through a state hearing if so desired. The worker has a responsibility to assist the household in filing the request for a hearing when asked. Workers shall attempt to answer any questions the household may have about their case and explain the reason for the actions that are in question.

WRITTEN REQUESTS

Although written requests may be submitted in any form, households should be encouraged to use the reverse side of the Notice of Action (NOA) which they are appealing.

Written requests must be filed with:

- San Diego County Health and Human Services Agency
Appeals Section – W402
4990 Viewridge Ave
San Diego, CA 92123

Also, households may file in person at the County office noted above.

Households may also mail their written request to:

- California Dept. of Social Services – State Hearings Division
P.O. Box 944243, MS 9-17-37
Sacramento, CA 94244-2430

When eligibility staff receives a written request for a state hearing, the worker shall:

- Date stamp the hearing request with the FRC stamp and image a copy into DoReS;
- Attach a gram to the original correspondence, including the envelope the request came in if mailed and indicate the date received;
- Send the request (and the envelope in which the request was received) to the Appeals Section at Mail Stop W402. The request should be mailed via inter-county mail in the next mail pick-up after the request is received; and
- Narrate in Case Comments the date received and the date forwarded to Appeals.

VERBAL REQUESTS

A verbal request must be filed by telephone with the State Public Inquiry and Response Unit (PIAR) in Sacramento. A toll-free number is available for this purpose:

- 1 (800) 952-5253, or
- 1 (800) 952-8349 for clients who require the use of TDD. Staff shall give these numbers to households who want to file a verbal request.

The County Appeals Section staff will not accept telephone requests for hearings.

After the worker speaks with the client, he/she will narrate that the household was advised that the household must file verbal requests for a State hearing by telephone and that the toll-free number was given to the client.

FAXED REQUESTS

Households may fax a hearing request:

- To the County at 1 (858) 514-6826, or
 - To the State at 1 (916) 651-5210 or 1 (916) 651-2789.
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63-002.3
Filing a
Request for a
Rehearing

Every client has a right to appeal a hearing decision by one of the following methods:

- Requesting a rehearing with the California Department of Social Services (CDSS); or
 - Filing a petition for judicial review in Superior Court.
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