

**County of San Diego, Health and Human Services Agency (HHSA)
General Relief Program Guide (GRPG)**

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Revision Date:

April 1, 2021

A. Background:

This section provides information on the general responsibilities in relation to General Relief (GR) Hearings and instructions on the treatment of hearing requests before the hearing.

Purpose:

This section has been reformatted to current format and procedures updated for current policies.

Policy:

B. General Responsibilities:

The table below shows the general responsibilities for actions related to GR Hearings.

Responsibility	Family Resource Center (FRC) Staff Actions	Appeals Staff Actions
Inform customer of right to a hearing	Completed verbally at: <ul style="list-style-type: none"> • Intake • Redetermination Included on Notice of Action (NOA) for any action by County.	N/A
Scheduling	N/A	<ul style="list-style-type: none"> • Notify customer of hearing date and time • Reschedule as appropriate
Aid Paid Pending	Evaluate/authorize if appropriate by Supervising Human Services Specialist (SHSS) (refer to F, below).	Extend by GR Hearing Officer in circumstances outlined in I, below.
Communication	Once appeal action has begun: <ul style="list-style-type: none"> • Notify Appeals of any further case actions for issues under appeal or other case changes which may impact hearing • Work with authorized representative (AR) when an AR has been designated 	Prior to or during appeal action, notify the County staff of need for: <ul style="list-style-type: none"> • Case record • Witness at Hearing
Hearing	Appear and testify at hearing as needed.	Conduct Hearing.
Decisions	<ul style="list-style-type: none"> • Act on decisions as appropriate and in a timely manner • Update Rushmore system 	Render a fair and impartial decision pursuant to County regulation and/or policy.

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C. Hearing Requests:

Instructions on how to request a GR Hearing are printed on each GR NOA. A Hearing may be requested by:

- Calling the Appeals GR Scheduling Clerk listed on the NOA
- Writing to the Appeals address on the NOA

D. Timely Hearing Requests:

The request must be timely, unless good cause is found, as shown in the table below.

Action	Request Must Be Received
Denials	Within 10 calendar days after the NOA mailing date.
All Other Actions	Within 10 calendar days after the effective date of the proposed adverse action.

The circumstances that the Hearing Officer must consider for approving good cause for late filing include, but are not limited to:

- Relevant circumstances including the customer's physical, mental, educational, literacy, or linguistic limitations
- Adequate notice not provided. Adequate notice is defined as a written notice informing the customer of the action the County intends to take, the reason for the intended action, the specific regulations supporting the action, and an explanation of the customer's right to request a County Hearing.
- Sufficient time to respond was not possible because the notice was not delivered or received by the customer
- Customer made a bona fide good faith effort to comply with the appeal procedures

E. Rescheduling Hearings:

The GR Hearing Officer will consider good cause for rescheduling a hearing when the customer has failed to appear for the hearing. A Good Cause review must include an evaluation of relevant circumstances including the applicant's physical, mental, educational, literacy, or linguistic limitations. Reasons for granting Good Cause can include any of the following:

- A doctor's appointment
- Illness/hospitalization
- Job interview/work
- Incarceration
- Court appearance
- Applicant/recipient made a bona fide effort in complying with the appeal procedures.

Note: Good Cause must be documented prior to rescheduling.

F. Aid Paid Pending (APP):

When a recipient makes a request for a GR Hearing before the effective date of the notice, the County may be required to suspend its proposed action and continue aid through the GR Hearing date. APP will not be paid when the issue is a denial or an initial eligibility determination.

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G. APP Approval:

APP will be approved by the SHSS when all the following apply:

- It is requested by the recipient before the effective date of the notice
- The recipient has no other income or resources to meet needs
- The issue is not due to a change in policy or regulation (see Examples below).

Example	Situation
1	Recipient does not agree with time-limit eligibility but does not dispute classification as Able-Bodied (AB) – do not grant APP.
2	Recipient feels they should be classified as Unemployable (UE) and not time-limited to three months – issue APP.

H. APP Payment:

APP will be:

- Paid through the hearing date
- Paid through a rescheduled hearing date when the hearing is rescheduled at County convenience or for good cause (same good cause criteria in E, above, will be used).

APP will be initiated in CalWIN by the FRC.

I. APP Extension:

Continuation of APP will be extended by the GR Hearing Officer when both:

- the hearing must be left open because the customer has requested a copy of the evidence so they can rebut
- It is likely the decision will be in the customer’s favor.

J. GR Hearing Clerk Pre-Hearing Responsibilities:

The table below shows the GR Hearing Clerk’s actions to be taken before the hearing.

Step	Action
1	Schedule GR Hearings.
2	Maintain hearing calendar.
3	Enter into the Rushmore system

K. GR Pre-Hearing Program Specialist (PS) Responsibilities:

Review the case for accuracy.

L. Human Services Specialist (HSS) Pre-Hearing Responsibilities:

The table below shows the HSS’s actions that must be taken the same day as notification of hearing is received.

Step	Action
1	Review case record for correct application of rules and timely and adequate notice.
2	Check that documentation allows case to stand alone including: <ul style="list-style-type: none"> • Name/title of contact person

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	<ul style="list-style-type: none"> Use direct quotations of third-party and customer contacts in Case Comments to the extent possible Specific examples of misconduct/violation with dates, times, and locations of misconduct/violations.
3	Image pertinent document, as needed.
4	Forward case to SHSS for review.
5	Grant APP, if approved by SHSS.

M. SHSS Pre-Hearing Responsibilities:

The table below shows the SHSS's actions to be taken before the hearing.

Step	Action
1	Review the case upon receipt for correct application of rules and timely and adequate notice.
2	Instruct HSS to rescind action, by NOA, and notify appeals if lack of documentation exists and/or inappropriate action was taken.
3	Evaluate/authorize APP if case action is supported.
4	Document APP decision and have HSS grant, if appropriate.
5	Complete Appeals Pre-Hearing Supervisory Case Review Checklist in the Rushmore system to document the reasons supporting the County's position or notifying Appeals of rescission of action.

N. Pre-Hearing Appeals Review Responsibilities:

The case will be assigned to an Appeals Representative, who is not the County Hearing Officer, within one workday of the date of receipt of the hearing request.

If the case action is ...	Then the ...
Incorrect,	Appeals Representative will contact the claimant to offer a Conditional Withdrawal (CWD). If the claimant agrees to a CWD, the Appeals Representative will prepare the Out of Hearing Resolution (OHR) and forward to the FRC for processing and cancel the scheduled hearing.
Either: <ul style="list-style-type: none"> Determined to be correct The Appeals Representative is unable to reach the claimant The claimant does not agree to a CWD, 	Hearing will remain scheduled. The Appeals Representative will notify potential County witnesses of the date and time of the scheduled hearing and notate in the Appeals file which County witnesses have been notified.

HSS compliance with the OHR must be completed within 30 calendar days from the signed CWD.

O. Disagreement with OHR:

When the HSS disagrees with the action directed in the OHR, the worker must:

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Step	Who	Action						
1	HSS	Discuss the issue with the SHSS to resolve the disagreement within 5 working days. Day one of the 5 workdays begins on the workday following the receipt of the OHR notice. These five workdays are included in the 30 days that the HSS has to complete the OHR.						
2		Review the case with the supervisor to ensure consensus						
3	FRC Appeal Liaison	Contact the Appeals Representative to discuss and resolve when the worker has new information or believes the OHR is incorrect.						
4	FRC Manager	Contact the Appeals Manager within the first 5 working days to request a formal review of the Appeals action by the Appeals Manager or their designee if the issue is not resolved.						
5	HSS	<table border="1"> <thead> <tr> <th>If the decision is ...</th> <th>Then ...</th> </tr> </thead> <tbody> <tr> <td>Not reversed,</td> <td>Comply with the OHR within the original 30-day timeline.</td> </tr> <tr> <td>Reversed,</td> <td>Send a new adequate NOA to the claimant or AR explaining that the County has reversed the CWD/OHR and cite the appropriate regulations and the underlying basis again with the appropriate regulations.</td> </tr> </tbody> </table>	If the decision is ...	Then ...	Not reversed,	Comply with the OHR within the original 30-day timeline.	Reversed,	Send a new adequate NOA to the claimant or AR explaining that the County has reversed the CWD/OHR and cite the appropriate regulations and the underlying basis again with the appropriate regulations.
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Not reversed,	Comply with the OHR within the original 30-day timeline.							
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Procedure:

Follow the actions in the policies above for County administrative hearings.

Other Program Impacts:

None

References:

County Policy

Sunset Date:

This policy will be reviewed for continuance by March 31, 2024.

Approval for Release:

Rick Wanne, 3-10-21

Rick Wanne, Director
Eligibility Operations