

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

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Revision Date:

April 1, 2021

A. Background:

General Relief (GR) Hearings are usually held without the Human Services Specialist (HSS) present. Therefore, it is essential the case record have sufficient documentation to stand alone. However, upon a one workday advance notice, the HSS may be requested to be on stand-by to give telephone testimony. If the presence of the HSS has been requested, it will also be with one workday advance notice and will be considered County release time. If the HSS is on approved leave, the customer will have the option to proceed without the HSS's presence or to have the hearing continued until the HSS can be present. Aid Paid Pending (APP) should be paid if the hearing is rescheduled due to the HSS's unavailability. For a HSS on stand-by, interviews with the customers at Family Resource Centers (FRCs) are not to be interrupted for the hearing. The customer will have the option to proceed without the HSS's testimony or to have the hearing continued when the HSS is available.

The Hearing Officer will determine if additional witnesses, not present at the hearing, must be contacted to ensure a fair rendering of a decision. If appropriate, the Hearing Officer will use the speakerphone in the hearing room to contact witnesses. This affords the customer the opportunity to confront and cross-examine adverse witnesses. The telephone in the hearing room will have conference call capability, enabling all parties' equal access to the entire conversation.

The Hearing Officer will review the case file and admit items into evidence during the hearing with a detailed description (for example, Case Comments from March 1, 2011 through May 30, 2011 or NOAs dated May 20, 2011). Copies of the items admitted into evidence may be provided to the customer or representative (except for items that by rule are not to be provided).

If additional information is needed and the witness is not available during the hearing, the Hearing Officer will request the information in writing and copy the customer or representative on the request and response. There will be no phone calls or other gathering of information not in the presence of the customer or representative outside of the hearing. The customer or representative will be allowed the opportunity to respond to or refute the additional information that was obtained. If needed, a continued Hearing could be scheduled.

****The settlement agreement in the WRO v. Bacon decision provides that each GR Hearing will be recorded.****

Purpose:

To provide instructions for reception in the GR hearing process.

Policy:

Follow the requirements identified below for the GR hearing process.

Procedure:

B, Hearing Procedures:

The table below shows the actions for the GR Hearing and the responsible individual.

Step	Responsibility	Action

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1	GR Hearing Officer	Explain how the hearing will be conducted.
2		Follow requirements under <u>WRO v. Bacon</u> noted in 90-900.4.D.
3		Administer an oath or affirmation to the customer and any witnesses to tell the truth of the facts as they relate to the issue.
4		Administer an oath or affirmation to any interpreter or translator requiring an accurate translation.
5		Conduct the hearing in a fair and impartial manner.
6		Record notes for hearing decision preparation.
7		Limit the issues to those which are reasonably related to the request for hearing.
8		Review the proposed County action and the preceding events point-by-point.
9		Evaluate the witness' credibility, apparent knowledge of the facts, and extent of memory of the facts related.
10		Ensure the hearing rights of the applicant/recipient are observed.
11	Appeals Manager	**Routinely review all GR Hearing decisions.**

C. General Provisions for Hearing Decisions:

- A decision is to be completed within 15 calendar days from the date of the hearing. Extenuating circumstances are to be documented and APP extension may be required
- The GR Hearing Clerk will image the decision in CERMS and distribute copies to the following:
 - Customer
 - Authorized Representative, if any
- The GR Hearing Officer will note the reduction/adjustment in the Work Project (WP) or Job Searches (JS) in the decision
- Aid will be retroactively granted when a denial is found in error. If otherwise eligible, the effective date of aid and the date of the lien will be the date of application or when all eligibility factors are met, whichever is later
- Aid will be retroactively granted to the effective date of the adverse action when a discontinuance or grant reduction is found in error
- The FRC will take action to grant or restore aid within 30 days of the date of the decision.

If ...	Then ...
APP has been issued,	it will be adjusted out of the aid payment.
the decision is against the claimant,	APP will be considered an overpayment.
the FRC disagrees with the decision,	a review may be requested after the decision has been implemented and all documents are imaged in the case record. A letter/memo explaining the area(s) of disagreement, including GRPG references, will be sent to the Appeals Manager. The Appeals Manager will review the hearing decision and provide a written response to the FRC Manager. If the decision is amended, required actions will be included in the response.

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D. Decision:

The decision will state if the County's action is upheld or overturned and the reason for the decision. It will also state the required actions if overturned.

Impacts:

Other Programs Impacted:

None

References:

County policy

Sunset Date:

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

Approval for Release:

RA Wanne, 3-10-21

Rick Wanne, Director
Eligibility Operations