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## Fair Hearings\*

### Secs. 17-2a-1—17-2a-2.

Repealed, December 21, 1990.

### Sec. 17-2a-3. Time for request

When a departmental decision or action is being appealed, the request for a fair hearing shall be mailed within thirty days from the date of the notice of action. When a request for a fair hearing results from the department's failure to render a decision on an application, the request may be mailed any time after sixty days from date of application.

(Effective April 4, 1967)

### Sec. 17-2a-4. Scheduling of hearing

Immediately upon receipt of a request for a fair hearing, the hearing officer shall schedule the hearing to be held within thirty days from the date of the request. The request shall be acknowledged by a letter to the appellant which shall inform him of the date, time and place scheduled for the hearing. If the date, time or place scheduled for the hearing is not convenient to the appellant, the hearing shall be rescheduled to suit the mutual convenience of the appellant and the department representatives. A fair hearing may also be rescheduled by the hearing officer to suit the convenience of the department representatives, in which case reasonable advance notice shall be given to the individual requesting the hearing. When a hearing is rescheduled, the new date, time and place shall be confirmed in writing.

(Effective April 4, 1967)

### Sec. 17-2a-5. Disposal of request for hearing

A request for a fair hearing may be disposed of only by one of the following definitive actions:

(1) Withdrawal of the request by the person who made it. This action shall be voluntary and may be made at any time prior to the hearing by a written statement of withdrawal, addressed to the welfare commissioner. The withdrawal shall be acknowledged in writing by the hearing officer.

(2) Dismissal of the request by the hearing officer. This action shall be taken if:

(A) The appellant fails to appear at the designated time and place, and if, within a reasonable time thereafter, it is determined that he wishes no further action taken on his request for a fair hearing; or

(B) the point at issue is revolved prior to the fair hearing and the request is not voluntarily withdrawn by the appellant. A written notice of dismissal shall be sent by the hearing officer to the person who requested the fair hearing.

(3) Decision by the hearing officer following a fair hearing. A request for a fair hearing shall be disposed of not later than sixty days from the date of receipt. If the fair hearing is postponed at the request of the applicant or beneficiary, or if it is continued in order to obtain additional information, an extension of not more than thirty days may be allowed for making final disposition of the request.

(Effective April 4, 1967)

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\*Regs. 17-2a-1—17-2a-12, 17-2b-1—17-2b-3 disapproved by interim regulation review committee, Feb. 13, 1968; reinstated as effective regulations on adjournment of 1969 session of general assembly sine die, no action having been taken thereon. (1969 Supp. § 4-48a.)

**Sec. 17-2a-6. Site of hearing. Hearing officer in charge**

(a) The fair hearing shall be held in the district office of the state welfare department unless other arrangements are necessary to suit the convenience of the person requesting the hearing.

(b) The hearing officer shall be in charge of the proceedings.

(Effective April 4, 1967)

**Sec. 17-2a-7. Witnesses**

The appellant shall act as a witness in his own behalf, and may bring additional witnesses. The department shall be represented at a fair hearing by the social worker, or investigator in a humane institutional case, and, if necessary, by a consultant who is acquainted with the technical aspect of property or medical questions involved. A supervisor may substitute for the worker, or investigator in a humane institutional case, or may act as a witness.

(Effective April 4, 1967)

**Sec. 17-2a-8. Testimony**

Testimony may be given by the appellant and his witnesses and by the social worker, or investigator in a humane institutional case, and other departmental representatives in response to questions asked by the hearing officer. Testimony may be freely given so long as it is reasonably relevant to the questions asked and is offered in a proper manner. The technical rules of evidence do not apply, although testimony is required by law to be given under oath. If the appellant is represented by legal counsel, his direct testimony is usually given in response to his attorney's questions. His attorney may also question departmental representatives. The appellant who is not represented by counsel may ask questions which are answered by the hearing officer or directed by him in turn to a departmental representative.

(Effective April 4, 1967)

**Sec. 17-2a-9. Exhibits**

Exhibits may be introduced by departmental representatives or other witnesses to substantiate or amplify their oral testimony. For example, bank books, deeds, mortgage notes, wage slips, medical bills and other papers or records may be introduced, if relevant to the case. If the individual wishes to retain possession of a document introduced as an exhibit, the substance of it may be dictated into the record by the hearing officer. The appellant has the right to examine all documents and records used at the hearing at any reasonable time.

(Effective April 4, 1967)

**Sec. 17-2a-10. Change in circumstances after hearing**

Any change in circumstances which occurs in the case after a fair hearing has been held shall have no effect on the fair hearing decision.

(Effective April 4, 1967)

**Sec. 17-2a-11. Subpoenas**

The hearing officer has the power to compel, by subpoena, the attendance and testimony of witnesses and the production of books and papers where such action becomes necessary.

(Effective April 4, 1967)

**Sec. 17-2a-12. Recording of proceedings. Transcripts**

A mechanical recording of the proceedings shall be made for use by the hearing officer as a basis for his decision and shall be available to the appellant or his designated representative on request. A stenographic transcript of the recording shall be made available to the court in case of appeal.

(Effective April 4, 1967)

**Secs. 17-2b-1—17-2b-3.**

Repealed, December 21, 1990.