

Hearing Tips

Make the Hearing Request Simple

- Just say “I disagree with...” and list the action the county is taking. Example: “with the overpayment” or “with the grant cut.”
- Keep your original notice and send a copy.
- Unless you want your aid to stop, *don't* check the box that says, “To let us lower or stop your benefits before the hearing.”

Ask Questions, Get the Rules

Have the county show you the rules or documents they say support their position. Make sure you understand any settlement papers. You can ask for different wording of a settlement (conditional withdrawal), if you think the county hasn't explained their action well.

Don't Sign a "Withdrawal"

A withdrawal or dismissal of your hearing request means that you will not have a hearing. It is not a settlement. *Get legal advice before you do this.*

Missed Your Hearing?

You **must** call 800-743-8525 *within 10 days of the hearing* and tell them why you had a good reason for missing the hearing.

Emergency Hearings

If you need a hearing held faster because of an emergency, you can ask for an "expedited hearing."

- Normally it takes 4-6 weeks to get a hearing; expedited hearings are held within 10 business days.
- You can get an expedited hearing for a denial of Expedited Food Stamps, CalWORKS Immediate Need or Homeless Assistance, and any other urgent matter. (If you are getting aid until your hearing decision, it is not an urgent matter.)
- You may need to have the hearing done by phone.
- You get your hearing decision within **5 business days**.
- Call 800-952-5253 and tell the operator you need an “expedited hearing.”

Good Cause/Late Filing

For **state** hearings, you may be allowed to have a hearing, even if you asked for it late (usually 90 days after the notice). You must have “good cause.” Good cause is a really important and convincing reason. It needs to be beyond your control. The state will look at the length of the delay and why you could not ask for your hearing on time.



LEGAL SERVICES
of
NORTHERN CALIFORNIA

Representing Yourself at Hearing

Tips to Succeed

State Fair Hearings

Your Rights

You have the right to:

- A written notice of action *before* the county changes your benefits in any way.
- Ask for a hearing **anytime** you think something is wrong with your case, *even if you didn't get a notice*. This includes Welfare-to-work.

How to Get a State Hearing

- Fill out the back of *any* notice of action. Say, briefly, why you want a hearing. Example: "I think my Food Stamps are wrong."
- List every program you are having problems with, and the issues you want to talk about at the hearing.
- You can call 800-952-5253 to request a hearing. (Don't delay - ask in writing if you can't get through.)
- You can fax your request to 833-281-0905.
- You can ask for a hearing online at acms.dss.ca.gov.

Ask on Time!

You only get to have a hearing if you ask on time. You must request most hearings within 90 days. Review your notice carefully for your deadline.

- For **state** fair hearings, there is a **limited** "good cause" reason to file late. Ask for your hearing, and seek legal advice about your late filing.
- Time to ask for **General Assistance/Relief** and hearings about **child care** issues may be much shorter!

Get Aid Until Your Hearing

If you ask for a hearing before the action takes effect, your aid will stay the same until you get your hearing decision. (You should get the full aid amount within 5 working days of when the county gets your hearing request.)

Contact the County Appeals Officer

The Appeals Officer can:

- Tell you the county's position.
- See if the county can settle with you.
- Arrange for you to see your file.
- Give you the county's written statement of its position 2 days before the hearing.

Review Your File

Look in your case file for the paperwork on your specific problem. The Appeals Officer can show you how the file is organized. Ask for print outs of what you want copied.

- Is the document missing? This may help you, if your argument is that you didn't get a notice or written instructions.

Settlement Issues

- *Conditional Withdrawals*

This is when the county agrees to take an action to fix your case. In exchange, you agree to give up your hearing.

- *Should I Settle?*

If the county is giving you what you want, yes. If you're not sure if it's fair, you can contact us for help with reviewing the settlement terms. Not sure? Continue with your hearing.

Settlement Issues (continued)

- *Should I Withdraw?*

A withdrawal is when the county wants you to drop your hearing, without them doing anything for you. Even if the Appeals Officer doesn't agree with you, you have a right to have a judge decide your case. The Appeals Officer could be wrong. If you withdraw your hearing, you may lose your right to bring up the issue again.

Postponements

You can get your hearing rescheduled if:

- The county's position statement is not ready 2 business days before your hearing.
- For a good reason, such as if you are sick or your witness won't be able to come that date.
- To postpone, call 800-743-8525. They will need your hearing number. It is listed on the letters from the state.

Prepare Your Statement

- Write a short summary of what you want to say.
- List the evidence you want to turn in. Bring helpful documents to your hearing!
- Have witnesses come to the hearing or sign a statement.
- **PRACTICE!** Go over what you want to say.