

.02 Continuing Benefits

REVISION 46
(01/01/18 - 12/31/18)

Continue benefits pending the appeal hearing when the following occur:

- Benefits were decreased
- Benefits were terminated
- The appeal hearing request was received prior to the effective date of the adverse action or 10 calendar days from the date of the notice

When the appellant does not indicate a choice for continuation of benefits with their request for an appeal, benefits will automatically resume.

NOTE The appellant may be required to pay back any benefits for which they are not eligible.

WARNING

When the Administrative Law Judge (ALJ) remands the case back to FAA for a new determination, the participant has the option to file an appeal on the new decision. When the participant files an appeal on the new decision, the participant is entitled to request continued benefits under the new timeframe.

EXCEPTION

Do not continue benefits in any of the following circumstances:

- The hearing request is for a denial.
- The appellant waives the right to continued benefits.
- The hearing request is the result of a [mass change](#) and FAA's fair use of the law is not in question.
- The approval period for NA, TPEP and TBA has ended.

NOTE Determine whether good cause exists when the hearing request is not received by the effective date of adverse action and the appellant is requesting continued benefits.

The Continuation of Benefits (FH Only) (C836) notice must be sent when benefits pending a hearing were requested and the appellant is not eligible.

WARNING

When the appeal is filed for CA within 30 calendar days of the notice for a sanction, benefits must be continued, even when the participant has not requested them. Complete the following:

- End the sanction on **DI**
- Restore CA benefits to 100%
- Send the [appropriate notice](#)