

## **.05 Local Office Hearing Request Procedures - Pre-hearing Conference Follow-up**

Supervisors must complete the following within TEN calendar days of receipt of the hearing request:

- Review the Pre-hearing Summary (FA-502) form for accuracy and completeness of documents being submitted.
- Review and discuss the following with the staff who conducted the pre-hearing conference and prepared the packet:
  - The results of the hearing.
  - The documents in the hearing packet.
- Review and discuss the results of the pre-hearing conference with the OSI investigator when BOTH of the following apply:
  - The hearing is the result of an OSI investigation.
  - The investigator is unable to attend the hearing.
- Ensure that designated staff complete the Hearing Request Record (FA-501).
- Sign the FA-502 before submitting to the designated staff to ensure the following:
  - The accuracy of the case
  - The accuracy and completeness of the documents being submitted
  - That all time frame requirements were followed
- Submit the pre-hearing summary packet to the [Office of Appeals address](#) via interoffice mail.

When applicable, correct the case prior to submitting any pre-hearing summary packet.

The pre-hearing conference may result in informal resolution of disputes about benefit levels or determination results. When this occurs, ask the appellant to complete a withdrawal for the hearing request.

### EXCEPTION

DO NOT request a [hearing withdrawal](#) when one of the following occurs:

- The [case file\(g\)](#) cannot be located (See [Lost Cases](#))
- The overpayment is incorrect

Accept a withdrawal on overpayment issues ONLY when the appellant agrees with the overpayment as indicated on the notice sent by OARC to the budgetary unit. (See [Collection Notices-Recoupment](#))

Pre-hearing summary packets are submitted to the Office of Appeals using U.S. mail by the following districts or local office site codes:

- Districts III and VI
- Site Codes [225C](#), [231C](#), and [241C](#)

Maricopa county district fair hearing specialists must submit the case files and fair hearing packets (original and two copies) to the hospital fair hearing specialist. The hospital fair hearing specialist sends one fair hearing packet to both of the following:

- The Office of Appeals
- The [MA representative](#)

The hospital fair hearing specialist retains one fair hearing packet and the case file. (See [Hearing Packets](#))

### WARNING

DO NOT take [adverse action](#) when the appellant fails to attend a Pre-hearing Conference scheduled by FAA.

When a pre-hearing conference is held at the request of the appellant and a formal hearing request has not been received, advise the appellant of the following:

- Another pre-hearing conference is scheduled when a hearing request is received, and that the hearing request must be made within 30 calendar days from the decision notice mail date.

NOTE For FS the request must be made within 90 calendar days from the decision notice mail date.

- The pre-hearing conference does not substitute for, or delay, the hearing process.

When a resolution is not reached during the pre-hearing conference, continue processing the hearing request.

Advise the appellant of the right to request continued benefits when applicable, when the hearing request is filed.

**FS EXCEPTION**

Benefits previously continued must be discontinued after a hearing decision is in favor of FAA.