

.15 Hearing Decision Implementation - Preparing and Submitting a Petition to Review

REVISION 24
(04/01/13 – 06/30/13)

When there is disagreement with the [Office of Appeals](#) hearing decision, both the appellant and the Fair Hearing Unit (FHU) have the right to appeal the decision.

NA EXCEPTION

FAA cannot appeal hearing decisions per federal regulations.

When the FHU is in disagreement they must notify the Policy Support Team (PST) via e-mail within one [workday\(g\)](#) from receipt of the hearing decision notice.

FHU notification must contain the following information:

- The PI's name and SSN
- AZTECS case number
- The appeal number
- The mail date shown on the hearing decision
- A copy of the original hearing request and [Pre-hearing Summary \(FA-502\) form](#).
- Copies of supporting documents related to the original hearing request
- Written explanation as to why the Hearing Officer's decision should be reviewed by the Appeals Board. Include FAA Policy Manual references and any other evidence to support the explanation.

WARNING

DO NOT take negative action on the budgetary unit's benefits while an Appeals Board decision is pending. (See [Adjusting Benefits](#))

The FHU is responsible for assigning a contact person to handle [Appeals Board](#) issues in a timely manner.

FHU immediately sends the participant the Appeal of Fair Hearing Decision (C837) notice. This notice allows the participant to choose not to continue their benefits during the appeal process. Give the participant through the 9th calendar day from the decision date to respond. FHU follows the Judge's orders on the 10th calendar day when no response is received by the participant.

No further action is required by the FHU unless notified by the PST manager.

The Attorney General's office will submit a [Petition to Review](#) to the Office of Appeals.

When the Appeals Board rules in the Department's favor the participant could be responsible for an overpayment. When the Appeals Board does not rule in the Department's favor the FHU will take the necessary action on the case.