

.03 Continuing Benefits

REVISION 41
(04/01/16 - 05/31/16)

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 days from the date of the notice

NOTE When none of the options for continued benefits are selected on the Verbal Fair Hearing Request (FA-100A), Fair Hearing Request (FA-100) form, appeal hearing form in HEAplus, Appeal form printed on the reverse side of any decision notice or written statement from the appellant or representative, benefits may continue automatically. The appellant may be required to pay back any benefits for which they are not eligible.

WARNING

When the participant receives a notice of discontinuance and files a FH before the effective date of closure, they are eligible for continued benefits.

When the Administrative Law Judge remands the issue back to the local office for a new determination, the participant has the option to file a FH on the new decision. When the participant files a FH 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 has ended, such as NA, TPEP, or TBA.

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.

WARNING

When the appeal is filed for CA within 30 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 **DISA**
- Restore CA benefits to 100%
- Send the [appropriate notice](#)