

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

REVISION 07  
(01/01/09 – 03/31/09)

Supervisors or their designee 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 Jobs case manager when BOTH of the following apply:
  - The hearing is the result of actions taken by Jobs.
  - The Jobs case manager is not able to attend the hearing.
- 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 the pre-hearing conference may result in an informal resolution of the dispute about benefit levels or determination results ask the appellant to complete a [request to withdraw the hearing](#).

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](#))

#### **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.
- The case requires correction.

When the review of the circumstances indicates that the case needs correction, complete the following:

- The Request to Vacate and Remand (FAA-1389A) form.
- Send the form to the Office of Appeals. DO NOT correct the case until a response is received from the Office of Appeals that indicates that the matter was vacated and remanded to the local office for correction.

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.

#### **NA EXCEPTION**

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