

D Region Fair Hearing Specialist Responsibilities

REVISION 07
(01/01/09 – 03/31/09)

The region fair hearing specialist responsibilities include, but are not limited to, the following:

- Review of the [case file\(g\)](#).
- Review of the fair hearing packet to ensure all required documentation is included.
- Identify any issue that needs to be resolved PRIOR to the hearing.

When the region fair hearing specialist identifies issues that need resolution prior to the hearing, the specialist notifies the designated staff at the local office via e-mail, of the issues within one [workday\(g\)](#) to discuss the issues.

When the designated staff at the local office and the region fair hearing specialist cannot resolve the issue, the following are completed:

- The fair hearing specialist notifies the [Policy Support Team](#) (PST) via e-mail or telephone within one workday to discuss the issue with a policy specialist.
- When the issue cannot be resolved within one workday, the policy specialist MUST complete the following:

Notify the Local Office Manager (LOM) or their designee via e-mail or telephone that an issue needs resolution prior to the fair hearing.

Review the issue with the LOM and schedule a conference call for the following workday, to include the region fair hearing specialist.

- The LOM or their designee reviews the issues with designated local office staff.

When the local office agrees with the fair hearing specialist's findings, they contact the policy specialist, via telephone the same day, to cancel the conference call.

When the local office disputes the findings, the conference call is conducted to resolve any outstanding issues. The following staff must participate in the conference call:

- The LOM
- Designated local office staff
- The region fair hearing specialist
- The policy specialist
- Upon resolution of the issue, the following occur:
 - Completes the Request to Vacate and Remand (FAA-1389A) form
 - Sends the completed FA-1389A form to the Office of Appeals

WARNING

DO NOT correct the case until response is received from the Office of Appeals that indicates that the matter was vacated and remanded back to the local office for correction.

When applicable return case back to the local office for correction.

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