

E Fair Hearing - Hearing Request Withdrawals

REVISION 07
(01/01/09 – 03/31/09)

The appellant or representative of the applicant may request to withdraw the hearing request at any time. Complete the following when this occurs:

- Obtain the hearing request for withdrawal in writing and signed by the appellant or representative.
- Forward the following to the [Office of Appeals](#):
 - Signed hearing request withdrawal
 - Decision notice related to the hearing request
 - Hearing request and envelope in which it was mailed
- Document CADO or the CADO Extension Form (CEF) with the action taken.

WARNING

DO NOT accept a verbal request to withdraw the hearing request. Advise the appellant or representative to call the Office of Appeals to verbally withdraw 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.

NOTE 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](#))

- 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 response that indicates the matter to be vacated and remanded is returned from the Office of Appeals.