

## .02 Office of Appeals Responsibilities - Notification of Hearing

**REVISION 07**  
(01/01/09 – 03/31/09)

The Office of Appeals is responsible for providing notification of the hearing to all parties involved at least 20 calendar days prior to the hearing date. This allows time for preparation for the hearing.

The Notice of Hearing is an advance notice and is mailed to the appellant. A copy of the notice is sent to the local office via e-mail notification from the Office of Appeals. The notice includes the following information:

- Time, date, and place of the hearing (See [Hearing Scheduling](#))
- Name of the hearing official assigned
- Notification that the appellant may obtain legal counsel, or have the case presented by a representative
- The name, address, and telephone number of the person to notify when the appellant or representative is unable to attend the hearing
- Information that the hearing will be dismissed should the appellant or representative fail to appear at the hearing without good cause
- Notification that the appellant or representative may examine case documents prior to the hearing, and may request copies of pertinent documents needed to prepare for the hearing
- An explanation of hearing procedures

### **WARNING**

FAA or the appellant may file a written request for a change in Hearing Officer no later than FIVE calendar days before the hearing date.

No more than one change is granted to any one party for the same hearing.

The Hearing Officer who was scheduled to hear the matter must transfer the hearing to another Hearing Officer to conduct the hearing. The Office of Appeals notifies all involved parties of any change.

### NA WARNING

When a fair hearing issue and an administrative disqualification hearing issue is scheduled to be presented during the same hearing, time limits for completion of the disqualification hearing apply. The Office of Appeals notifies the appellant of the combining of the hearing issues.

The budgetary unit loses the right to a subsequent fair hearing when the hearings are combined for the purpose of settling a dispute for the following:

- Amount of an overpayment claim
- Whether an [Intentional Program Violation](#) (IPV) occurred

NOTE FAA may allow the PI to waive the 30-day advance notice period for providing notification of the scheduling of an Administrative Disqualification Hearing.