

*Thompson*

July 6, 1956

Honorable Edward J. Patten  
Secretary of State  
State House  
Trenton, New Jersey

Dear Secretary Patten:

Enclosed herewith for filing is the following regulation of the  
Bureau of Assistance of the Division of Welfare of this Department:

Ruling No. 7, Supplement No. 1

Revision of 6/56 replaces Supplement No. 1 of Ruling No. 7  
issued 3/10/54.

Very truly yours,

DEPARTMENT OF INSTITUTIONS AND AGENCIES  
*F. Lovell Bixby*

F. Lovell Bixby, Ph. D.  
Acting Commissioner

FLB:4

CC: Mr. Robert Burkhardt, Executive Secretary to the Governor ✓  
Mr. Elmer V. Andrews, Director, Division of Welfare  
Mrs. Elizabeth Feehan, Assistant to the Commissioner

CHIEF EXECUTIVE  
OFFICE OF  
JUL 11 11 57 AM '56  
DIVISION OF WELFARE  
RECEIVED

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*F. Lowell Bishop*  
DEPARTMENT OF INSTITUTIONS AND AGENCIES

F. Lowell Bishop, Ph. D.  
Acting Commissioner

FB:A

CC: Mr. Robert Burkhardt, Executive Secretary to the Governor  
Mr. Elmer V. Andrews, Director, Division of Welfare  
Mrs. Elizabeth Patten, Assistant to the Commissioner

RECEIVED  
STATE OF NEW JERSEY  
JUL 11 11 21 AM '56  
OFFICE OF  
CHIEF EXECUTIVE



State of New Jersey  
Department of Institutions and Agencies  
Division of Welfare

BUREAU OF ASSISTANCE

REGULATION # \_\_\_\_\_

RULING NO. 7, Supplement No. 1

ISSUED: 3/10/54  
(Date)REV.: 6/56  
(Date)TITLE: INTER-OFFICE PROCEDURES FOR FAIR HEARINGS

SUBJECT: \_\_\_\_\_

STATUTORY REFERENCE: R.S. 44:7-6, 44:7-18

Revision of 6/56 replaces Supplement No. 1 to Ruling No. 7 issued 3/10/54

*Piegelman*, Chief  
Bureau of Assistance

Approved: *F. Lovell Bixby*  
By: \_\_\_\_\_



State of New Jersey  
Department of Institutions and Agencies  
Division of Welfare-Bureau of Assistance

Rev. 6/56

SUPPLEMENT NO. 1 TO RULING NO. 7

INTER-OFFICE PROCEDURES FOR FAIR HEARINGS

Old Age Assistance and Disability Assistance

Statement of Principles

The State Board of Control of the Department of Institutions and Agencies has established the principle that a Fair Hearing shall be held within thirty days of an appeal from any person eligible for such hearing, and that such person shall be notified not less than seven days in advance of the date set for the hearing. These principles are set forth in Ruling No. 7, Complaints, Appeals, and Fair Hearings.

On the basis of experience a practical definition of a Fair Hearing appellant has been developed as follows: An appellant is a person whose complaint is related to the current receipt of assistance, or to failure on the part of the county welfare board to act promptly on a pending application (30 days in OAA and 60 days in DA), or to denial of an application, or to the discontinuance of assistance payments within the past three months, and whose communication indicates that he wishes an opportunity to present his case to the ultimate State authority.

If the complaint relates to denial of an application or to the discontinuance of assistance payments more than three months prior to the date of the appeal, the person shall be considered ineligible for a Fair Hearing at this point and shall be advised that the county welfare board will reconsider his eligibility through the re-application process. The county welfare board shall be notified of the complaint and be directed to register a re-application and proceed with prompt redetermination of eligibility.

In order to comply with the time limits for scheduling a Fair Hearing, it is incumbent upon the personnel of the county and Department offices involved to give each appeal immediate attention.

Procedures

To expedite collation and analysis of necessary material and to complete arrangements for a Fair Hearing, the following procedures are established:

Referral from State Director of Welfare to Bureau

Upon receipt of an appeal for a Fair Hearing, the State Director of Welfare immediately advises the Bureau of Assistance, furnishing a copy of the appeal letter and giving the date and time set for the hearing.

Identification of Case Status

Within the Bureau the appropriate Field Representative is responsible for collating data and completing arrangements for the Fair Hearing as follows:

1. He clears the client's name in Bureau files to determine the status of the case, consulting the county welfare board if necessary and advises



the office of the State Director of Welfare as to whether the client appears to be eligible for a Fair Hearing.

2. If it is decided the client is not entitled to a Fair Hearing at this point, the State Director of Welfare will notify the client and the county welfare board regarding redetermination of eligibility through the re-application process.

3. If the client appears to be entitled to a Fair Hearing, the ensuing procedures will be as follows:

Section I. Fair Hearing Appeals in Old Age and Disability Assistance NOT related to Factors of Permanency and Totality of Disability

A. The Field Representative

1. Advises the office of the county welfare board of the Fair Hearing date;
2. Requests a summary in duplicate of the facts in the case, together with commentary on what the county welfare board considers the issue(s) in the complaint;

These steps are completed within one week of receipt of the appeal.

3. Upon receipt of the case summary from the county welfare board, the Field Representative reviews the facts and prepares an analysis relating the facts to State law, policy and procedure, and when appropriate recommends to the State Director of Welfare that the municipal welfare director be invited to participate in the hearing.

If he finds that there is a possibility of adjustment of the client's complaint, he will discuss this possibility with the county director. If as a result, a satisfactory adjustment is reached between the county welfare board and the client and the client wishes to withdraw his request for a Fair Hearing, he does so in writing to the State Director of Welfare, either directly or through the county welfare board.

4. The State Director of Welfare is kept currently informed of any developments affecting the Fair Hearing and receives copies of the county case summary and the Field Representative's analysis, etc.

5. When a Fair Hearing is held the Field Representative acts as the official representative of the Bureau of Assistance.

B. The State Director of Welfare

1. Notifies the client in writing of the Fair Hearing date set, transmitting copies to the Bureau and to the county director of welfare, and when appropriate, notifies the municipal welfare director of the time and place of the hearing.

2. In the event of receipt of a withdrawal of the request, he also notifies the client, the Bureau, the county director of welfare, and when appropriate, the municipal welfare director.

Section II. Fair Hearing Appeals in Disability Assistance Related to Factors of Permanency and Totality of Disability

A. If after the Field Representative has cleared the case in the Bureau files, it is determined that the issue is related to denial on the basis that the client



was not permanently and totally disabled he

1. Notifies the Medical Service Section and the county director of welfare by telephone that the Fair Hearing is pending;
2. Requests the county director to forward the medical and social records on which the determination of disapproval was based;
3. Requests the county director to determine and advise him whether the Fair Hearing can be held at the office of the Department in Trenton, and if so, to make necessary arrangements therefor, or if not, whether it can be held at the county welfare board office, or must be held in the client's home;
4. Sets a tentative date for the Fair Hearing.
5. Upon receipt of the medical and social records, the Field Representative reviews the social record and determines whether the appellant has been known to or may need to be referred to a municipal welfare director for General Assistance.
6. The record material is then transmitted to the Medical Service Section for review and determination of whether the data is adequate or must be supplemented by additional reports and special examination of the appellant, and whether the tentative hearing date is satisfactory or a postponement is to be requested.

These steps are to be completed within one week of receipt of the appeal.

7. The Field Representative advises the State Director of Welfare of the Medical Service Section's conclusions, and whether or not an invitation should be extended to the municipal welfare director to participate in the hearing.
8. If the data necessary for the hearing cannot be secured within the thirty day limit, the Field Representative requests the county welfare board to secure, if possible, a voluntary written request from the client for postponement, after explaining the reason to him. The county director notifies the Field Representative by telephone as soon as a decision is made by the client regarding postponement. If the request for postponement has been secured, it is forwarded to the Field Representative.

If the client refuses to request postponement, the Fair Hearing will be held on the originally scheduled date regardless of the possible inadequacy of the data.

9. The Field Representative notifies the State Director of Welfare of the situation, and if there is to be a postponement the State Director notifies the client of the new date, sending copies to the Bureau, the county director of welfare, and where appropriate, to the municipal welfare director.

B. The Medical Service Section

1. Prepares an analysis relating the facts and issues to State law, policy and procedure for the State Director of Welfare.



2. If, after analysis, the Medical Service Section finds there is no need for a Fair Hearing because the disapproval by the Bureau was based on improper application of, or a questionable interpretation of, applicable law, policy or procedure, the Section will
  - a. Prepare a new Record of Action (Form DA-2a), approving the client as permanently and totally disabled;
  - b. Return the case reports to the county welfare board, directing that a re-application be registered.
3. In such instance the State Director of Welfare will, as soon as he is advised of the Bureau's action, notify the client of the reversal of decision on his eligibility on the permanent and total disability factor and advise him that the county welfare board is registering a re-application for him. Copies of such notice will be sent to the Bureau, to the county director of welfare, and to the municipal welfare director when appropriate.
4. When a Fair Hearing is held the Medical Administrative and Medical Social Service Consultant, as well as the Field Representative, act as official representatives of the Bureau of Assistance.

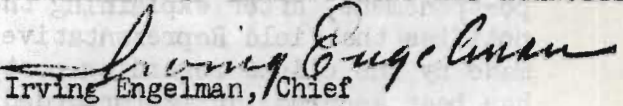
#### Fair Hearing Decision

1. Following approval by the Commissioner of Institutions and Agencies, the State Director of Welfare notifies the client of the decision and sends copies to the county welfare board, the Bureau, the Regional Representative of the U.S. Department of Health, Education and Welfare, and where appropriate, to the municipal welfare director.

2. It is the responsibility of the Bureau to determine that the Fair Hearing decision is carried out whenever action is required of the county welfare board by the decision, and to report to the State Director of Welfare.

Within thirty days of the date the client was advised of the decision, the Field Representative shall inquire of the county director about the status of the case, and advise the Bureau and the State Director of Welfare whether the required action has been accomplished.

DEPARTMENT OF INSTITUTIONS AND AGENCIES

  
Irving Engelman, Chief  
Bureau of Assistance

IE/MCRd

Approved: Elmer V. Andrews  
Director of Welfare

Ruling Series.  
Supplement No. 1 to Ruling No. 7

Insert in Handbook under section  
"Rulings and Bulletins."

Destroy Supplement No. 1 to Ruling No. 7  
issued 3/10/54