

# FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

– HOUSEHOLD CERTIFICATION TRAINING –



**MODULE 9**  
Fair Hearings

## Introduction:

- » The Food Distribution Program on Indian Reservations (FDPIR) is a federal program that provides USDA Foods to low-income households living on Indian reservations, in designated areas near reservations, and in the State of Oklahoma.
- » FDPIR Household Certification Training will help Indian Tribal Organization (ITO) and State agency certification workers and their supervisors successfully administer the program.
- » The training is comprised of nine modules, designed to be taken in any order. At the end of each module is a short quiz you may take to test your knowledge of the key learning points covered in the module. When you finish all nine modules, you may test your knowledge of the entire training by taking the post-test.
- » The knowledge gained in this training will help you provide the best support possible for current and potential FDPIR participants.

## Acronyms Used in Module

The following acronyms appear in this module:

**FDPIR** – Food Distribution Program on Indian Reservations

**FNS** – Food and Nutrition Service

**ITO** – Indian Tribal Organization

**USDA** – United States Department of Agriculture

## Learning Module 9: Fair Hearings

- » Refer to FNS Handbook 501 for more information about topics covered in this module.
- » On each slide in this module, you can find the specific section in the handbook where the topic is covered in greater detail.

## Learning Objectives:

### After completing this module, learners will:

- » Understand the ITO/State responsibilities and requirements for fair hearings.
- » Know who may be designated as a hearing official, and his/her powers and duties.
- » Understand the household's rights during the hearing process.
- » Know when to continue to provide benefits during the hearing process and when to terminate .
- » Understand the use of an agency conference.

## Household's Right to Request a Fair Hearing

*Source: FNS Handbook 501, Sections 3101; 5500; 5510*

- » Households that believe they have been unjustly affected by an action of the ITO/State agency may request a fair hearing.
- » A fair hearing is a review by an impartial third party of an adverse action that affects a household's participation in FDPIR.

## Household's Right to Request a Fair Hearing (continued)

Source: FNS Handbook 501, Sections 3101; 5500; 5510

» A fair hearing may be requested for the following adverse actions by an ITO/State agency:

- Refusal to accept an application;
- Denial of eligibility;
- Disqualification;
- Reduction in the level of USDA Foods a household may receive;
- Termination of eligibility.

NOTE: The household's right to request a hearing must not be limited or interfered with in any way.

## ITO/State Agency Responsibility

*Source: FNS Handbook 501, Sections 5500; 5544*

- » Each ITO/State agency must provide a fair hearing to any household that submits a timely request.
- » Hearing procedures must be published by the ITO/State agency and made available to any interested party.

## Household Notification of Right to Request a Fair Hearing

Source: FNS Handbook 501, Sections 3101; 5510

» At the time of application, each household must be informed in writing of the following:

- The household's right to request a fair hearing in response to an adverse action;
- The method by which a hearing may be requested;
- That the household's case may be presented by a household member or representative, such as a legal counsel, a relative, a friend or other spokesperson;
- If available, the contact information for an individual or organization that provides free legal representation.

## Household Notification of Right to Request a Fair Hearing (continued)

*Source: FNS Handbook 501, Sections 3101; 5510*

» The certifier must also advise the household of its right to a fair hearing any time there is an adverse action taken against the household, or any time the household says that it disagrees with an action taken by the ITO/State agency.

## Household Request for a Fair Hearing

*Source: FNS Handbook 501, Sections 5520-5522*

- » A request for a hearing is a clear verbal or written statement by the household or its representative that it wishes to appeal a decision or present its case to a higher authority.
  
- » If it is unclear from the household's request what action it wishes to appeal, the certifier may request the household to clarify its grievance.

## Continuation of Benefits Pending a Fair Hearing

Source: FNS Handbook 501, Sections 5550-5552

- » When requesting a fair hearing, a participating household may also request that its USDA Foods be continued at the same level it was eligible to receive prior to the issuance of the notice of adverse action.
- » The household may continue to receive this level of benefits until the fair hearing decision is rendered.
- » If the fair hearing decision supports the action of the ITO/State agency, the household will be liable for the value of the over-issued USDA Foods it continued to receive while awaiting the outcome of the fair hearing. The ITO/State agency must issue a claim for repayment of the value of these benefits.
- » If it is unclear from the fair hearing request that the household is requesting continuation of its USDA Foods at the same level, the certifier must obtain clarification. If clarification cannot be obtained, the certifier must assume that this is the desire of the household and ensure that the household's USDA Foods are continued at the same level until the outcome of the fair hearing.

## Fair Hearing Request Form

Source: FNS Handbook 501, Section 5521

» The ITO/State agency may provide households with a form to request a fair hearing and continuation of USDA Foods. The form should:

- Contain space for the household to indicate whether or not continued benefits are requested; and
- Advise the household that it will be liable for the value of over-issued USDA Foods it receives while awaiting the outcome of the fair hearing, if the hearing decision is not in its favor.

## Time Period for Requesting a Fair Hearing/Continuation of Benefits

Source: FNS Handbook 501, Section 5522

- » A household may request a fair hearing on any action by the ITO/State agency that occurred in the past 90 days, or that affects current benefits.
- » When a notice of adverse action is issued, the household must request a fair hearing within the time frame specified in the notice in order to continue to receive benefits at the previously authorized level.
- » If the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday, the ITO/State agency must consider the request.

## Denial of Request for Continuation of Benefits

Source: FNS Handbook 501, Section 5551

» A certifier must deny a request for continuation of benefits pending the outcome of a fair hearing under the following circumstances the :

- A household failed to request a fair hearing within the time frame stated in the notice of adverse action.

Exception: The certifier would continue to issue benefits at the previously authorized benefit level, if the household showed that it had good cause for failure to make the fair hearing request within the advance notice period. Good cause could include a family emergency or illness.

## Denial of Request for Continuation of Benefits (continued)

Source: FNS Handbook 501, Section 5551

- » A certifier must also deny a household's request for continuation of benefits pending the outcome of a fair hearing if:
- A household is appealing a decrease in benefits or termination that resulted from a mass change (for example, a cost-of-living increase to Social Security that caused the household's net monthly income to exceed the income standards).
- Exception: The certifier would continue to issue benefits at the previously authorized level, if the household's fair hearing request alleged that its eligibility or benefit level were improperly computed, or that Federal law or regulation was misapplied or misinterpreted by the ITO/State agency.
- » The certifier must promptly inform the household in writing if its request for continuation of benefits pending a fair hearing is denied and take action to decrease or terminate benefits in accordance with the notice of adverse action.

## Denial of Request for Continuation of Benefits (continued)

Source: FNS Handbook 501, Section 5551

» Once benefits have been continued at the previously authorized benefit level, they cannot be decreased or terminated prior to the outcome of the fair hearing, except as follows:

- The fair hearing official makes a preliminary determination that the sole issue is one of Federal law or regulation and that the household's claim that the ITO/State agency misapplied such law or regulation is invalid.

or

- A second change affecting the household's eligibility or level of benefits occurs while the fair hearing decision is pending and the household fails to request a hearing/continuation of benefits upon receiving the notice of the adverse action on the second change.

## Agency Conferences

Source: FNS Handbook 501, Sections 5530-5533

- » An agency conference provides an immediate opportunity for a household to present its case for resolution by a higher authority, and may lead to an informal resolution of the dispute.
- » ITOs/State agencies must provide households that are denied eligibility with an opportunity to request an agency conference. At the ITO's/State agency's option, agency conferences may also be offered to households who believe they have been unjustly affected by other adverse actions.
- » The certifier must advise households that use of an agency conference is optional and that it will not delay or replace the fair hearing process.

## Time Limit for Agency Conferences

*Source: FNS Handbook 501, Sections 5531*

» If a household indicates it wishes to have an agency conference, the ITO/State agency must schedule it within 4 business days, unless the household requests that it be scheduled later.

## Conduct of Agency Conferences

Source: FNS Handbook 501, Section 5532

- » The agency conference must be attended by an eligibility supervisor and/or the agency director, as well as the household and/or its representative.
- » The FDPIR certifier responsible for the agency action may also attend the conference.
- » ITOs/State agencies must document the household's case record with the date of the agency conference, and a brief statement regarding the issue and outcome.

## Agency Conference Outcomes

Source: *FNS Handbook 501, Section 5533*

- » The agency conference does not delay or replace the fair hearing process.
- » If the agency conference resolves the dispute to the household's satisfaction, the household must submit a written withdrawal of its request for a fair hearing.
- » If a written withdrawal is not submitted, the ITO/State agency must proceed with the fair hearing.
- » If the agency conference does not resolve the dispute, the ITO/State agency must proceed with the fair hearing.

## ITO/State Agency Action on Fair Hearing Requests

*Source: FNS Handbook 501, Sections 5540-5546*

» Within 60 days of receipt of a request for a fair hearing, the ITO/State agency must conduct the hearing, arrive at a decision, and notify the household (and local agency, as appropriate) of the decision.

## Fair Hearing Rules of Procedure

*Source: FNS Handbook 501, Section 5544*

- » The ITO/State agency must publish clearly written uniform rules of procedure that conform to federal regulations and must make the rules available to any interested party.
- » At a minimum, the uniform rules of procedures must include time limits for filing requests and appeals, advance notification requirements, hearing timeliness standards, and the rights and responsibilities of persons requesting a fair hearing.

## Denial or Dismissal of Request for Hearing

Source: FNS Handbook 501, Section 5545

- » The ITO/State agency cannot deny or dismiss a request for a hearing unless:
  - The request is not received timely;
  - The request is withdrawn in writing by the household or its representative;
  - The household or its representative fails, without good cause, to appear at the scheduled hearing.

## Notification of the Hearing

*Source: FNS Handbook 501, Section 5546*

- » The date, time, and location of the hearing must be arranged so the hearing is accessible to the household.
- » At least 15 days prior to the hearing, advance written notice must be provided to all parties involved to permit adequate preparation of the case. The household may request less advance notice to expedite the scheduling of the hearing.

## Notification of the Hearing (continued)

Source: FNS Handbook 501, Section 5546

» In addition to the date, time and location of the fair hearing, the notification must include:

- Name of the Agency Contact Person: The notice must contain the name, address, and phone number of the person to notify if the household is unable to attend the scheduled hearing.
- Possibility of Dismissal for Failure to Appear: The notice must advise the household that the ITO/State agency will dismiss the hearing request if the household or its representative fails to appear for the hearing without good cause.
- ITO/State Hearing Procedures: The notice must include the ITO/State agency hearing procedures and any other information that would provide the household with an understanding of the proceedings and would contribute to the effective presentation of the household's case.

## Notification of the Hearing (continued)

Source: FNS Handbook 501, Section 5546

- Right to Examine the Case File: The advance notice must explain that the household or representative may examine the case file prior to the hearing.
- Appeal of a Disqualification: If the fair hearing has been requested to appeal a disqualification, the notice must also include a statement that the hearing does not prevent the Tribal, Federal, State, or local government from prosecuting the household member in a civil or criminal court action, or from collecting any over-issuances.

## Household Request for Materials or Assistance in Preparing for the Fair Hearing

Source: FNS Handbook 501, Section 5541

- » Upon request by the household, the ITO/State agency must make available, without charge, materials needed by the household or its representative to determine whether a hearing should be requested or to prepare for a hearing. This could include relevant federal regulations and policy guidance on household certification.
- » The ITO/State agency must also respond to a request from a household for help with its hearing request.
- » The ITO/State agency must advise the household of any free legal service available that can provide representation at the hearing.

## Need for Bilingual Services

*Source: FNS Handbook 501, Section 5542*

» If the individual making the request speaks a language other than English and the ITO/State agency is required to provide bilingual staff or interpreters who speak the appropriate language in accordance with federal regulations, the ITO/State agency must ensure that the hearing procedures are verbally explained in that language.

## Household Requests for Postponement

*Source: FNS Handbook 501, Section 5543*

- » If a household requests a postponement of a fair hearing, the ITO or State agency must approve a household's request.
- » The postponement cannot exceed 30 days.
- » The 60-day time limit for action on the decision must be extended for as many days as the hearing is postponed.

## Case Study 1 Scenario:

A household received notification that its fair hearing is scheduled for July 15.

The household requests postponement of the fair hearing for 10 days due to illness of the head of household.

How should the ITO handle this request?

## Case Study 1 Solution:

The ITO must grant the request for postponement.

Therefore, the 60-day time frame for the fair hearing process is extended to 70 days from the date of the fair hearing request.

## Hearing Official

Source: *FNS Handbook 501, Sections 5560-5563*

- » Hearings must be conducted by an impartial official(s) who:
  - Does not have any personal stake or involvement in the case;
  - Was not directly involved in the initial determination of the action that is being contested;
  - Was not the immediate supervisor of the certifier who took the action.

## Designation and Qualifications of the Hearing Official

Source: *FNS Handbook 501, Section 5561*

» The hearing official can be any of the following:

- An employee of the ITO/State agency;
- An individual under contract with the ITO/State agency;
- An employee of another public agency designated by the ITO/State agency to conduct hearings;
- A member or official of a statutory board or other legal entity designated by the ITO/State agency to conduct hearings;
- An executive officer of the ITO/State agency, a panel of officials of the ITO/State agency, or a person or persons expressly appointed to conduct hearings or to review hearing decisions.

## Powers and Duties of the Hearing Official

Source: FNS Handbook 501, Section 5562

» The hearing official has the following powers and duties:

- Administer Oaths: The hearing official administers oaths of affirmation, if required by the Tribe/State.
- Ensure Consideration of Issues: The hearing official ensures that all relevant issues are considered.
- Record Evidence: The hearing official requests, receives, and makes part of the record all evidence determined necessary to decide the issues being raised.

## Powers and Duties of the Hearing Official (continued)

Source: FNS Handbook 501, Section 5562

- » Officiate the Hearing: The hearing official regulates the conduct and course of the hearing consistent with due process.
  
- » Render a Hearing Decision: The hearing official provides a hearing record and recommendation for final decision by the hearing authority, or if the hearing official is the hearing authority, renders the fair hearing decision.

## Hearing Authority

*Source: FNS Handbook 501, Section 5563*

- » The hearing authority must be the person designated to render the final administrative decision in a hearing.
- » The same person may act as both the hearing official and the hearing authority.

## Conduct of the Hearing

Source: *FNS Handbook 501, Section 5570*

- » The hearing must be attended by a representative of the ITO/State agency that initiated the adverse action being contested, and by the household or its representative, or both.
- » The hearing may also be attended by friends and relatives of the household, if the household so chooses.
- » if space is limited the hearing official is authorized to limit the number of persons in attendance at the hearing.
- » The household may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the household feel most at ease.
- » Confidential information that is protected from release and other documents or records that the household will not otherwise have the opportunity to contest or challenge must not be presented at the hearing or affect the hearing official's decision.

## Household Rights

Source: FNS Handbook 501, Section 5571

» The household has the following rights in regard to fair hearings:

- To Examine Documents: The household or its representative must be given adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing, as well as during the hearing, including the contents of the case file. If requested by the household or its representative, the ITO/State agency must provide a free copy of the relevant portions of the case file.

NOTE: Confidential information, such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, must be protected from release.

- To Present the Case: The household may present the case itself or have it presented by a legal counsel or other person.

## Household Rights (continued)

Source: FNS Handbook 501, Section 5571

- To Bring Witnesses: The household or its representative may bring witnesses to support its case in the appeal.
- To Advance Arguments: The household or its representative must be allowed to advance arguments without undue interference.
- To Question Evidence: The household or its representative may question or refute any testimony or evidence, and may confront and cross-examine adverse witnesses.
- To Submit Evidence: The household or its representative may submit evidence to establish all pertinent facts and circumstances.

## The Hearing Decision

Source: *FNS Handbook 501, Sections 5580-5582; 5584*

- » Decisions of the hearing authority must comply with Federal law or regulations and must be based on the hearing record.
  
- » The verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, must constitute the exclusive record for a final decision by the hearing authority.
  - This record must be retained in accordance with federal regulations.
  - This record must also be available to the household or its representative at any reasonable time for copying and inspection.

## Effect and Content of the Hearing Decision

*Source: FNS Handbook 501, Section 5581*

- » The fair hearing decision is a part of the official record and must summarize the facts of the case, specify the reasons for the decision, and identify the supporting evidence and the pertinent federal regulations.
- » The fair hearing decision is binding on the ITO/State agency.

## Notification of the Hearing Decision

Source: *FNS Handbook 501, Section 5582*

- » Within 10 days of the date that the fair hearing decision is issued, the ITO/State agency must issue a notice to the household advising it of the decision.
  
- » If the decision upheld a disqualification or a termination, the notice must include:
  - The reason(s) for the decision;
  - The date the reduction in benefits, termination, or disqualification will take effect;
  - The household's right to pursue judicial review.
  
- » If the hearing decision upheld a disqualification, the notice must also advise the household of the duration of the disqualification (for example, 12 months for the first intentional program violation), and whether the disqualification of the household member will result in a change or termination of benefits for the remaining household members.

## Public Access to ITO/State Agency Hearing Records

*Source: FNS Handbook 501, Section 5584*

- » All ITO/State agency hearing records and decisions must be available for public inspection and copying.
- » The identifying names and addresses of household members and other individuals must be kept confidential.

## Implementation of Hearing Decisions

*Source: FNS Handbook 501, Section 5590*

- » The ITO/State agency is responsible for ensuring that all hearing decisions are reflected in the household's next scheduled distribution following the fair hearing decision.
- » If the fair hearing decision upheld the action of the ITO/State agency to decrease the benefit level or terminate eligibility, and the household requested and received continued benefits, the certifier must issue a claim for the value of over-issued USDA Foods that were distributed to the household pending the outcome of the fair hearing.

## Case Study 2 Scenario:

In April, a household received a notice of adverse action to terminate eligibility due to a new source of income. The notice of adverse action stated that the household would not be eligible for USDA Foods beginning in May.

The household requested a fair hearing and continuation of benefits pending the outcome of the fair hearing. The fair hearing was held and a decision was issued on May 20 upholding the adverse action.

The notice advising the household of the fair hearing decision stated that the termination would be effective in June.

Does the certifier need to issue a claim to the household for the value of the USDA Foods issued in May?

## Case Study 2 Scenario:

Yes.

Since the household received benefits for May pending the outcome of the fair hearing, the certifier must issue a claim to the household for the value of the USDA Foods issued to the household in May.

## Retroactive Benefits

*Source: FNS Handbook 501, Section 5591*

» FDPIR does not provide retroactive benefits.

## Household Right to Judicial Review

*Source: FNS Handbook 501, Section 5583*

- » The fair hearing is the final administrative appeal process available to household members subject to an FDPIR adverse action.
- » A household that wishes to appeal a fair hearing decision that upheld an adverse action by the ITO/State agency may pursue judicial review in a court having appropriate jurisdiction.

## Conclusion:

### ITO/State Agency Responsibility

- » Each ITO and State agency must provide a fair hearing to any household that submits a timely request. The household must also be provided the opportunity to request that its USDA Foods be continued at the same level pending the outcome of the fair hearing.
- » Within 60 days of receipt of a request for fair hearing, the ITO or State agency must conduct the hearing, arrive at a decision, and notify the household.
- » At the time of application, each household must be informed in writing of its right to request a fair hearing.
- » The hearing procedures must also be published and made available to any interested party.

## Conclusion (continued):

### Household's Right to Request a Fair Hearing

» Households may request a fair hearing if they believe they've been unjustly affected by any of the following actions by the ITO or State agency:

- Refusal to accept the household's application;
- Denial of eligibility;
- Disqualification of a household member(s) ;
- Reduction of the level of the household's USDA Foods;
- Termination of the household's eligibility.

» A household's right to request a fair hearing must not be limited in any way.

### Time Period for Requesting a Fair Hearing/Continuation of Benefits

» A household may request a hearing on an adverse action that occurred in the past 90 days or that affects current benefits. If the household received a notice of adverse action, the request must be submitted within the time frame specified in the notice.

## Conclusion (continued):

### Denial of Request for Continuation of Benefits

» The certifier must deny a request for continuation of benefits pending the outcome of a fair hearing if:

- A household failed to request a fair hearing within the stated time frame on the notice of adverse action, unless the household shows good cause for failure to make the request within the time frame
- A household is appealing a decrease in benefits or termination that resulted from a mass change, unless the household's hearing request alleges that its eligibility or benefits level were improperly computed or that the ITO/State agency misapplied or misinterpreted Federal law.

» The certifier must promptly inform the household in writing if its request for continuation of benefits pending a fair hearing is denied.

## Conclusion (continued):

### Agency Conferences

- » An agency conference provides immediate opportunity for a household to present its case for resolution by higher authority.
- » If a household wishes to have an agency conference, the ITO or State agency must schedule it within 4 business days, unless requested later by the household.
- » If the agency conference resolves the dispute to the household's satisfaction, the household must submit a written withdrawal of its request for a fair hearing.
- » If the agency conference does not resolve the dispute, the ITO or State agency must proceed with the fair hearing.

## Conclusion (continued):

### Notification of Fair Hearing

- » The date, time, and location of the hearing must be arranged so that it's accessible to the household.
- » Household notification of the hearing must be issued 15 days prior to the hearing date and must include:
  - Name of the agency contact person;
  - Possibility of dismissal for failure to appear;
  - ITO and State agency hearing procedures;
  - The household's right to examine the case file; and
  - If the hearing is to appeal a disqualification, that the hearing does not preclude prosecution in a civil or criminal court or an over-issuance claim, if appropriate.
- » The ITO/State agency must approve a household's request for a postponement of the hearing, not to exceed 30 days.

## Conclusion (continued):

### Hearing Official and Hearing Authority

» Hearings must be conducted by an impartial official who has the following powers and duties during the hearing:

- Administer oaths;
- Ensure consideration of issues;
- Record evidence;
- Officiate the hearing; and
- Render a hearing decision;

» A hearing authority must be the person designated to render the final decision and may be the same person as the hearing official.

## Conclusion (continued):

### Household Rights

» The household has the following rights in regards to the hearing:

- To examine documents;
- To present the case;
- To bring witnesses;
- To advance arguments;
- To question evidence; and
- To submit evidence.

## Conclusion (continued):

### Hearing Decision

- » The decision of the hearing authority must comply with Federal law or regulations and must be based on the hearing record.
- » The ITO/State agency must issue a notice to the household advising it of the fair hearing decision within 10 days of the date that the decision is issued.
- » The fair hearing decision is binding on the ITO/State agency, and the ITO/State agency is responsible for implementing the hearing decision in time for the household's next scheduled distribution of USDA Foods following the fair hearing decision.
- » If the fair hearing decision upheld the action of the ITO/State agency to decrease the benefit level or terminate eligibility and the household requested and received continued benefits, the certifier must issue a claim for the value of over-issued USDA Foods that were distributed to the household pending the outcome of the fair hearing.
- » If a household wishes to appeal a hearing decision that upheld an adverse action, the household may pursue judicial review in a court having appropriate jurisdiction.

## **Module 9 Quiz**

### **Instructions:**

The following quiz will test your knowledge of fair hearings.

**1. Which of the following is NOT an adverse action for which a fair hearing may be requested?**

- A. Refusal by the ITO/State agency to accept an application.**
- B. Denial of eligibility.**
- C. Disqualification.**
- D. Increase in the level of USDA Foods a household may receive.**

**2. True or False? The ITO/State agency must only provide the household with the notification of right to request a fair hearing when an adverse action is issued.**

**A. True**

**B. False**

**3. True or False? If a household receives a notice of adverse action and requests a fair hearing, it may not receive USDA Foods until the hearing decision has been reached.**

**A. True**

**B. False**

- 4. Under which of the following circumstances must a certifier deny a request for continuation of benefits pending the outcome of the fair hearing?**
- A. The household failed without good cause to request the fair hearing within the time frame stated in the notice of adverse action.**
  - B. A household failed to request a fair hearing within the time frame stated in the notice of adverse action because of a family emergency.**
  - C. A household is appealing a decrease in benefits or termination that resulted from a mass change.**
  - D. A and C.**

**5. If a household requests an agency conference and is satisfied by the outcome, is the fair hearing automatically cancelled?**

**A. Yes**

**B. No**

**6. True or False? If a household or its representative fails to appear at the fair hearing without good cause, a decision will be made without the household or representative present.**

**A. True**

**B. False**

**7. How many days does the ITO or State agency have to receive a request for a fair hearing, conduct the hearing, arrive at a decision, and notify the household?**

- A. 30**
- B. 60**
- C. 75**
- D. 90**

## 8. Which of the following individuals **CANNOT** be a hearing official?

- A. An impartial employee of the ITO/State agency.
- B. An impartial individual under contract with the ITO/State agency.
- C. An impartial executive officer of the ITO/State agency.
- D. The immediate supervisor of the certifier who took the action against the household.

**9. True or False? The ITO or State agency must implement the fair hearing decision within 45 days of the date of the decision.**

**A. True**

**B. False**

## **10. How would a household appeal a fair hearing decision that upheld an adverse action by the ITO or State?**

- A. Agency conference**
- B. Request another fair hearing**
- C. Judicial review**
- D. Talk to a supervisor**