

## WITHDRAWAL OF REQUEST FOR HEARING

PURPOSE: To provide a uniform record for a household or for the agency to withdraw a request for a hearing, when:

- the claimant is requesting withdrawal from a previously requested hearing; or
- the county office determines that information is inadequate to substantiate agency's proposed action and the agency wishes to rescind the decision.

NUMBER OF COPIES AND DISPOSITION: Three copies will be made. The original copy is retained by the hearing officer; one copy is given to the household; one copy to be filed in the case record.

MANUAL REFERENCE: Chapter X - Legal Aspects

INSTRUCTIONS FOR COMPLETION: When a request for hearing is received, county staff shall carefully review the case record to determine if a sound decision has been reached on the basis of agency manual instructions and correct interpretation of policy. If a sound decision has not been reached, the county may decide to rescind the proposed action. This should be discussed with the claimant and an opportunity to withdraw the request for hearing will be provided to the claimant if the issue is resolved.

The form will be generated by the caseworker or the Agency Representative if, during a conference, the household indicates:

- they understand the county office decision to rescind proposed action; and/or
- expresses a willingness to withdraw the request for a hearing.

The county staff will complete the form and obtain the signature of the claimant to confirm his understanding and withdrawal of request.

The completed and signed form is immediately sent to the hearing officer. If the county staff notifies the hearing officer of a decision to rescind the proposed action, the hearing officer will require the county office to obtain a signed Withdrawal Of Request For Hearing (IM-90) from the household, before the matter can be dismissed.

The form is to be signed by the:

- claimant, in an Income Maintenance case; or
- head of the household or authorized representative in a Food Stamp case.

The form must be signed in the presence of a representative of the agency or the hearing officer.

Information regarding the proposed action should be copied from the IM-80.

STATEMENT OF AGENCY REPRESENTATIVE: The worker or representative of the agency must sign and date the form to:

1. Witness the signature of claimant or head of the household.
2. Certify that the form and its contents have been thoroughly explained to the person signing the form. The form should not be signed by county staff until the claimant signing the form has indicated the contents have been understood.

The Hearing Officer will send a Decision and Order stating the appeal is withdrawn and will describe the action that will be final to the claimant. A copy of the Decision and Order will also be sent to the caseworker, Agency Representative and other involved individuals which are identified by the Hearing Officer.