**FAIR HEARING CHECKLIST**

As Administrators of General Assistance, you may be required to participate in a Fair Hearing, either local or State. The local Fair Hearing is one in which an applicant for General Assistance is requesting review of a decision made by the Welfare Director/General Assistance Administrator. A State Fair Hearing is one in which the Welfare Director/General Assistance Administrator requests a review of a decision made by the Department of Human Services and/or a request by applicant’s legal counsel for a review of a decision made by the Department of Human Services.

In order to prepare for a local Fair Hearing, the following items will be needed:

1. **Application for General Assistance**
2. **Budget Sheet**
3. **Notice of decision**

The notice of decision must state the reason(s) for the decision, the statement of the applicant’s rights (right to Fair Hearing, right to notify Dept. of Human Services, telephone number for DHHS in Augusta)

1. **Written request for Fair Hearing**

Must be signed by the applicant

1. **Notice of Fair Hearing**

The Notice must include time, date, place and explanation of Fair Hearing procedure. If notice is mailed to applicant, it should be sent via Certified Mail, return receipt.

1. **Authorization for the release of confidential information**

This form must be signed by the applicant requesting the Fair Hearing so that his/her legal counsel has permission to have access to confidential material contained in the file. Only material related to the Fair Hearing should be made accessible.

1. **Copies of all pertinent documents, verification, etc.**

Be sure to make copies for the Hearing Officer(s) , the applicant, and/or his/her legal counsel and the Administrator’s legal counsel.

1. **Tape recorder**

Or whatever equipment the municipality uses to record meetings.

1. **Copy of the Municipalities’ General Assistance Ordinance**
2. **Copy of the State Statute Title 22 Chapter 1161 Municipal General Assistance**

1. **Copy of DHHS General Assistance Policy**
2. **Fair Hearing Decision Form**

This form will contain the following:

1. A statement of the issue
2. Relevant facts brought out at the hearing
3. Pertinent provision in statute, ordinance, or policy related to the decision
4. The decision and the reasons for it
5. Claimant’s right for further appeal

Not all municipalities utilize this form and it is not required. Should your Fair Hearing Authority choose to issue their decision in letter format that is fine as long as the letter includes all the above elements.