

10A NCAC 21A .0303 APPEAL DECISION

- (a) The hearing officer shall make a tentative decision on the appeal that shall be served upon the county department, the appellant, and representatives by mail. Decisions reversing the county department's action shall be sent by certified mail to the county department. Decisions affirming the county department's actions shall be sent by certified mail to the appellant. Decisions shall be sent by regular mail to representatives. The tentative decision shall contain a notification of the right to present oral and written argument for and against the decision as set out in this Rule.
- (b) The county and the appellant may present oral and written argument, for and against the decision by contacting the Chief Hearing Officer.
- (c) If a written argument, a request for a time extension to submit a written argument, or a request for oral argument is not received by the Chief Hearing Officer within 10 calendar days of the date the notice of the tentative decision is signed, the tentative decision shall become final.
- (d) If a request for a time extension to submit a written argument or a request for an oral argument is received by the Chief Hearing Officer within 10 calendar days of the date the notice of the tentative decision is signed, an extension shall be granted and a letter shall be mailed stating the date the written argument is due or the date and time the oral argument shall be heard.
- (e) If the party that requested oral argument fails to appear for the scheduled oral argument, the tentative decision shall become final.
- (f) If arguments are presented within the timeframes established pursuant to Paragraphs (c) and (d) of this Rule, then all such arguments shall be considered and a final decision shall be rendered.
- (g) The final decision shall be served upon the appellant and the county department by certified mail. Decisions shall be sent by regular mail to representatives.
- (h) A decision upholding the appellant shall be put into effect within two weeks after the county department's receipt of the final decision by certified mail.
- (i) As provided for in 42 C.F.R. 431.245 and G.S. 108A-79(k), the decision shall contain the appellant's right to seek judicial review.

History Note: Authority G.S. 108A-54; 108A-54.1B; 108A-79; 42 C.F.R. 431.244; 42 C.F.R. 431.245; 42 C.F.R. 431.246;
Eff. September 1, 1984;
Amended Eff. September 1, 1992;
Readopted Eff. July 1, 2018.