

10A NCAC 43D .0908 NOTICE OF HEARING

- (a) The local or State agency official shall notify the appellant, or his or her representative, the local WIC agency, and the Nutrition Services Branch in writing that a request for a hearing has been received.
- (b) Notice of the date, time, and place of the hearing shall be given to all parties at least 10 days in advance of the hearing.
- (c) The notice to the appellant, or his or her representative, shall include a stamped envelope with the return address of the agency official with a request that it be returned indicating whether the date, time, and place for the hearing is satisfactory. If a response is not received at least 72 hours prior to the time proposed for the hearing, it shall be assumed that the date, time, and place are satisfactory.
- (d) The notice shall contain:
 - (1) an explanation of the procedure for the hearing;
 - (2) a statement of the date, hour, place and nature of the hearing;
 - (3) a reference to the particular sections of the statutes and rules involved; and
 - (4) a statement of the factual allegations.
- (e) If the appellant, or his or her representative, indicates that he or she desires another time and date, the agency official shall set a new time and date for the hearing. The hearing shall be accessible to the appellant, or his or her representative.
- (f) The hearing shall be held within 21 days from the date the agency official receives the request.

*History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
Eff. July 1, 1981;
Amended Eff. November 1, 1990;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;
Amended Eff. March 1, 2020.*