

## **ITEM 05-8-1: Paraphrased Regulations**

This version of the paraphrased regulations provides additions and revisions to several paraphrased regulations. There are 26 new paraphrased regulations, 13 revised paraphrased regulations, 25 deleted paraphrased regulations and three renumbered ones.

The major additions are in the 620 section addressing the IHSS Quality Assurance Initiative that is due to be implemented in July 2006 and the 560 section addressing the IHSS Plus waiver program that became effective August 2004.

Note that issue code 013 addresses civil rights issues in CalWORKs and issue code 217 addresses civil rights issues in food stamps. References to language translation issues are listed in those sections of the paraphrased regulations. If an Administrative Law Judge has a hearing with a language issue regarding the translation of forms or notices or where some other language barrier is alleged in a CalWORKs or food stamp case, please use issue code 013 or 217 as applicable.

Adult Day Health Care has been added to issue code 538.

## **ITEM 05-7-1(A): Hearing Requests Following a Conditional Withdrawal**

If a claimant requests a hearing following a conditional withdrawal, is this request treated as a new request for hearing, or treated as a reopening of the initial hearing request? The State Hearings Division (SHD) policy is as follows:

If the claimant requests a hearing before the county has issued a new Notice of Action (NOA) after the parties entered into a conditional withdrawal, then the hearing request is treated as a reopening of the initial hearing request. The case number would remain the same as the initial hearing number.

If the claimant requests a hearing after the county has issued a new NOA following a conditional withdrawal, then the hearing request is treated as a new hearing and given a new hearing number.

If the SHD erroneously assigns a new case number when the claimant requests a hearing before the county issues a new NOA, a judge should hear the case, but have the case number revised to the initial case number. Similarly, if the SHD erroneously assigns the initial case number to a hearing request made after the county has issued a new NOA following a conditional withdrawal, a judge should hear the case and have a new case number assigned to the case.

Under no circumstance should a case be postponed or dismissed because the hearing request was assigned an incorrect number.