



## **PO 220.10: Evidence Considered Upon Appeal**

**PR 220.10.**

When an appeal is filed timely (within 60 days), allow the client to present additional information and verifications during the appeal process. However, the client may not present evidence which they specifically refused to provide prior to the action under appeal.

If the client previously failed to provide information or verification, but did not express an intentional refusal to do so, accept the information or verification when presented during the appeal process. Reverse or modify the GA Unit's action, if the evidence shows the client qualifies for additional benefits.

This policy also applies to applications denied because the client failed to appear for a scheduled interview. If the client appeals the denial within 60 days, reschedule the interview. If the client appears for the interview and provides all required information, reopen the application with the original application date. If eligible, approve assistance and provide benefits as though all the information was available at the time of the original decision.

A client may present additional evidence when they file the timely appeal, during the pre-hearing conference, and any time prior to and during the appeal hearing. If the client asks for more time to get evidence before the hearing, tell them the hearing will be held as scheduled unless they request a delay from the Public Aid Committee and it is granted. (The Public Aid Committee will not usually grant a delay just to allow the client to obtain additional evidence.)

When additional evidence is presented during the appeal hearing, it is considered in making the Final Administrative Decision, unless:

- the appeal was not filed within the specified time period or
- the client previously refused to provide the evidence to the local office. (Previous failure to provide such evidence is not considered refusal.)

To implement a Final Administrative Decision that upholds the GA Unit **and** orders a new determination, the GA Unit must:

- make the new determination;
- notify the client of the result in writing; and
- authorize benefits, if the client is eligible.

