

WITHDRAWAL OF REQUEST FOR HEARING

PURPOSE:

To provide a uniform record for a household or for the Agency to withdraw a request for a hearing, when:

- The claimant is requesting withdrawal from a previously requested hearing; or
- The Children's Division determines that information is inadequate to support the agency's proposed action and the agency wishes to rescind the decision.

NUMBER OF COPIES AND DISTRIBUTION:

Include the CD-54 at the time of mailing of the Notice of Adverse Action (CS-20a). Make three copies. One copy goes to the Hearing Unit, Division of Legal Services (DLS); give one copy to the household; and keep one copy in the case record for 36 months.

INSTRUCTIONS FOR COMPLETION:

When a request for a hearing is received, county staff shall carefully review the case record to determine if a sound decision has been reached on the basis of agency manual instructions and correct interpretation of policy. If a sound decision has not been reached, the county may decide to rescind the proposed action. This should be discussed with the claimant and an opportunity to withdraw the request for hearing will be provided to the claimant if the issue is resolved.

This form is generated by the Children's Service Worker or the Agency Representative if, during a conference, the household indicates:

- he/she understands the county office decision to rescind the proposed action and/or;
- expresses a willingness to withdraw the request for a hearing.

The Children's Service Worker completes the form and obtains the signature of the claimant to confirm his/her understanding and withdrawal of the hearing request.

Send the completed and signed form to the DLS Hearing Unit within one (1) working day. If the county staff notifies the DLS Hearing Unit of a decision to rescind the proposed action, the DLS Hearing Unit will require the county office

to obtain a signed Withdrawal of Request for Hearing (CD-54) from the household, before the matter can be withdrawn.

This form must be signed in the presence of a representative of the Agency or the DLS Hearing Unit.

STATEMENT OF AGENCY REPRESENTATIVE:

The Children' Service Worker or representative of the Agency must sign and date the form to:

- witness the signature of the claimant
- certify that the form and its contents have been thoroughly explained to the person signing the form.

The claimant must sign the withdrawal form indicating the contents are understood. Children's Division staff shall sign the form verifying they have reviewed the contents with the claimant.

The DLS Hearing Unit will issue a Decision and Order stating the appeal is withdrawn and will describe the action that will be final to the claimant. A copy of the Decision and Order will be sent to the individual(s), Children's Division Service Worker, Agency Representative, and other involved individuals which are identified by the DLS Hearing Unit.