



Department of Human Services
 311 West Saratoga Street
 Baltimore MD 21201

FIA INFORMATION MEMO

Control Number: # 24-23

Effective Date: UPON RECEIPT

Issuance Date: November 15, 2023

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
 DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT, FAMILY
 INVESTMENT SUPERVISORS AND STAFF**

FROM: AUGUSTIN NTABAGANYIMANA, ACTING EXECUTIVE DIRECTOR *Augustin*

**RE: OFFICE OF ADMINISTRATIVE HEARINGS IN-PERSON
 AND REMOTE FAIR HEARING INFORMATION**

**PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE PROGRAM
 (TCA), SUPPLEMENTAL NUTRITION ASSISTANCE
 PROGRAM (SNAP) & TEMPORARY DISABILITY
 ASSISTANCE PROGRAM (TDAP)**

ORIGINATING OFFICE: OFFICE OF OPERATIONS

SUMMARY:

The purpose of the Information Memo is to inform the Local Department of Social Services (LDSS) staff of the process of changing a customers' Fair Hearing proceeding type after receiving a Fair Hearing Notice.

LDSS staff should follow the Department of Human Services (DHS)/Family Investment Administration (FIA) Fair Hearing Guide located on Knowledge Base (KB) for procedures in filing Fair Hearings. The [Request for Fair Hearing Request Form \(DHS/FIA 334\)](#) must be submitted to the Office of Administrative Hearings (OAH) by hand delivery, fax, or by mail as follows:

Fax Numbers

410-229-4266 or

410-229-4268

Mailing or hand delivery
Maryland Office of Administrative Hearings
11101 Gilroy Road
Hunt Valley, Maryland 21031

OAH will directly notify customers of the Fair Hearing appointment date, time, and the Fair Hearing Proceedings type. There are two Fair Hearing Proceeding types, which are In-Person and Remote. Customers have the option to change the Fair Hearing Proceeding type to their preference.

LDSS staff must:

- Inform the customer filing a request for Fair Hearing that there are two Fair Hearing proceeding types available to them.
- Inform the customer that OAH will make the initial decision of the Fair Hearing proceedings type, but the customers have the option to change it to their preference.

To find more information regarding the OAH proceeding, procedures can be found on the [OAH website](http://oah.maryland.gov) at oah.maryland.gov.

OAH Fair Hearing Notices:

After OAH receives the [Request for Fair Hearing Request Form \(DHS/FIA 334\)](#) OAH will send a Fair Hearing Notice to the customer and the LDSS.

- The notices will inform the customers if their meeting will be Remote or In-person.
- If the Fair Hearing is conducted remotely the proceeding will be held by WebEx. Click here for [WebEx FAQs](#). The WebEx information will be included in the notice.

Fair Hearing Proceedings Tips:

- Customers must be aware that several Fair Hearings may be scheduled at the same time as their Fair Hearing.
 - After signing into WebEx, the customers will wait to be admitted into the Fair Hearing by the Administrative Law Judge.
 - The customers must remain on the call until their Fair Hearing is called.

Fair Hearing Proceeding Types

In-Person Proceedings:

- OAH conducts the Fair Hearing in a specified room at either the OAH office, the LDSS office, or otherwise ordered by the Administrative Law Judge (ALJ).

Remote Proceedings:

- OAH conducts Remote Fair Hearings via WebEx.
- The LDSS and the customers do not need a computer or a phone with a camera to attend a Fair Hearing that has been scheduled for WebEx.
- Customers are advised in the Fair Hearing notice that they can attend the Fair Hearing by telephone.
 - On the day of their Fair Hearing the customer will be instructed to call 1-408-418-9388 and enter the meeting number that is shown on the front of the Fair Hearing notice.

Steps to Change the Fair Hearing Proceedings Type

The customer may request that a case scheduled for an In-Person Fair Hearing be converted to a Remote Fair Hearing by filing a written request with the OAH.

- **Jointly Requesting a Remote Proceeding (When all parties agree to a Remote Proceeding):** If your case has been scheduled for an In-Person Fair Hearing, the parties may file a joint request for a Remote Fair Hearing. [Click here for instructions.](#) In order to use this form, all parties must agree to the joint request to convert the Fair Hearing to a Remote Fair Hearing.
- **Individually Requesting a Remote Proceeding:** A party may also file an individual request to convert all or a portion of the Fair Hearing to a Remote proceeding by filing a written request with the OAH.

The customer may request that a case scheduled for a Remote Fair Hearing be converted to an In-person Fair Hearing by filing a written request with the OAH.

Good cause for an In-Person proceeding may include, but is not limited to, a party needing an interpreter or other accommodation that cannot be provided remotely, or a party being unable to access the internet or a device suitable for Remote conferencing.

- **Jointly Requesting an In-Person Proceeding (When all parties agree to an In-Person Proceeding):** If your case has been scheduled for a Remote Fair Hearing, the parties may file a joint request for an In-Person Fair Hearing.
- **Individually Requesting an In-Person Proceeding:** A party may also file an individual request to convert the Fair Hearing to an In-Person Proceeding by filing a written request with the OAH.

RESOURCE:

- [Office of Administrative Hearing Website](#)
- COMAR 28.02.01.10
- COMAR 28.02.01.20
- COMAR 28.02.01.20B
- COMAR 28.02.01.20B(2)(c)

INQUIRIES:

Please direct policy questions to FIA Policy by completing the [FIA Policy Information Request Form](#) found on Knowledge Base or via email at fia.policy@maryland.gov for Montgomery County only. For systems questions, please email fia.bsdm@maryland.gov.

cc: DHS Executive Staff
FIA Management Staff
Constituent Services
DHS Help Desk
Office of Administrative Hearings