

**DSS ADMINISTRATIVE LETTER ECONOMIC AND FAMILY SERVICES 10-2020**  
**EFS\_FNS\_AL-10-2020**

**Food and Nutrition Services**

**TO:** County Directors of Social Services

**ATTENTION:** Food and Nutrition Services (FNS) Managers and Supervisors

**DATE:** April 15, 2020

**SUBJECT:** FNS State Fair Hearings Conducted by Telephone

**EFFECTIVE:** Upon Receipt

**I. GENERAL INFORMATION**

To ensure the health and safety of our applicants and staff, the United States Department of Agriculture (USDA) approved an alternate procedure for conducting state hearings. In response to the Coronavirus Disease 2019 (COVID-19) state of emergency commencing on March 17, 2020 state hearings can be conducted by telephone. State hearings by telephone will be allowed until the COVID-19 public health emergency declaration by the North Carolina Secretary of Health and Human Services is lifted.

**II. POLICY PROCEDURES**

Per federal regulations, the State Hearing Officers will provide all required notifications within the required timeframes. The notification will include an insert explaining that in response to COVID-19, the hearing will be held by telephone. The applicant must contact the Hearing Officer immediately so proper preparations can be made for the hearing to be held by phone on the scheduled day and time or to request to have the hearing rescheduled. The Hearing Officer will explain to the applicant that if the DSS is open to the public, then the applicant can be present at the DSS for the hearing or opt to be present by telephone. If the applicant wants to participate by phone, then the best contact number will be obtained for the hearing. If the applicant wishes to have a face-to-face hearing or wishes to postpone the hearing for any reason, then the hearing will be rescheduled. Reschedules will be within thirty (30 days) in accordance with the regulations.

The local agency will provide the State Hearing Officer with the telephone number for the caseworker(s) who will participate in the hearing. To ensure adequate review time prior to the hearing, the caseworker(s) must immediately send the applicant a copy of the normal hearing information, except for confidential information that is in the case file per the FNS regulations. The local agency must provide a copy of the county's hearing information to the Hearing Officer.

During the arrangement contact with the parties, the Hearing Officer will ensure the rights and responsibilities of both parties, so appropriate arrangements can be made for witnesses, interpreters, records review, submitting additional evidence, etc. If any hearing requirement cannot be met in accordance with 7 CFR 273.15, then the phone hearing will not be held on the scheduled date and the hearing will be rescheduled.

The fair hearings process may be extended up to 120 days from receipt of the request for fair hearings that were already in process or for which requests are received from March 1 through May 31, 2020. The time frame for sending notices confirming verbal withdrawal requests may be extended up to 30 days from receipt of the request for such requests received during this same time period.

### **III. IMPLEMENTATION INSTRUCTIONS**

The state hearings by telephone is effective upon receipt until the COVID-19 public health emergency declaration by the North Carolina Secretary of Health and Human Services is lifted.

Submit any questions regarding this information can be sent to the Hearings & Appeals Section at [Medicaid.DSS.State.Appeals@dhhs.nc.gov](mailto:Medicaid.DSS.State.Appeals@dhhs.nc.gov).

Sincerely,

A handwritten signature in blue ink that reads "David Locklear". The signature is cursive and somewhat stylized.

David Locklear, Deputy Director  
Economic and Family Services

DL/vd