

Sandy Dugan, Administrator of DHS Field
Services for Self Sufficiency and Child Welfare
Robert Trachtenberg, Hearings and Rules Unit
Manager

Authorized Signature

Number: SS-AR-12-003

Issue Date: 02/15/2012

Topic: Other

Due Date: 02/15/2012

Subject: Continuing Benefits pending Administrative Hearing

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities |
| <input type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): All Self Sufficiency Staff |

Action Required:

Requests for Continuation of Benefits (pending the outcome of a hearing request)

Approving or denying requests for continuation of benefits in connection with a hearing should not be delayed pending review by a DHS Hearing Representative. Upon request for a hearing, a request for continuation of benefits should be reviewed, and if eligible, benefits should be issued without further delay.

The request for continuing benefits is usually indicated by marking the box about two thirds of the way down the *Administrative Hearing Request* ([MSC 443](#)) form, and reads “Do you want your benefits to stay the same (not be reduced or stopped) while you wait for the hearing?” However, requests are not required to be made in writing, nor are they required to be indicated on the [MSC 443](#) to be valid. Staff must respond to a request for continuing benefits whether verbal or in writing.

Reason for Action:

Clients may request to receive continuing benefits until a final order resolves a contested case. This is not new, but is a clarification to ensure that a determination is made as soon as possible in the process, and when appropriate, benefits are issued without unnecessary delay to the client. Caseworkers or lead workers may issue benefits and appropriate notices as needed.

Upon request for Continuation of Benefits

Review OAR [461-025-0311](#) and determine if eligible:

- When approved, issue benefits as soon as possible. A [DHS 1114](#) must be used to advise the claimant when continuing benefits are issued.
- When denied, the *Denial of Continuing Benefits Pending Hearing Decision* ([DHS 5303](#)) form (or NOTM form GS05303, Den Cont Ben Pnd Hrg Dec) must be used as notice to the claimant of the denial. The claimant does have the right to request a hearing if denied, which must be processed as an Expedited Hearing. See *backs of forms* [DHS 5303](#) or [MSC 443](#)).

For questions about the process to request a hearing, or the assignment of requested hearings, please contact Linda Weight, Self Sufficiency Hearings Coordinator.

For other questions about hearings, please contact your local SSP hearings representative or Robert Trachtenberg, Hearings and Rules Unit Manager.

Field/Stakeholder review: Yes No

If yes, reviewed by: Program Managers (Field), Hearing Representatives,
Hearing and Rules Unit

If you have any questions about this action request, contact:

Contact(s):	Linda Weight 503-945-6952 Robert Trachtenberg 503-947-5290
Email:	linda.weight@state.or.us robert.trachtenberg@state.or.us