

STANISLAUS COUNTY
AREA AGENCY ON AGING
Fair Hearing Procedure

A. PROCEDURE

Funding recommendations of the Area Agency staff and Advisory Council to the Board of Supervisors will be made known to all agencies and organizations which are being funded or are applying for funding. These agencies and organizations will be notified in writing of the funding recommendations at least ten (10) days before the Board of Supervisors is to hear these recommendations.

1. If an adverse recommendation (i.e., denial of funding, decreased funding, not to refund, or a contract term to which the subcontractor objects) is made, the affected agency or organization may appeal to the Board for a Fair Hearing. The request for a Fair Hearing must be made in writing to both the Board and Area Agency at least four (4) working days in advance of the Board of Supervisors meeting on which the recommendations are to be presented. The request for a Fair Hearing is to include a concise statement of the reasons for the request. The agency or organization may at that time present any testimony or additional information for the Board to consider. **Any written appeals with respect to a Review Panel's determination on a Request for Proposal must be based upon County violation or noncompliance with specific applicable relevant law(s) or regulation(s), which must be cited in writing. Differences of opinion about the merit of proposals recommended for funding are not grounds for submitting an appeal.** The Board will either issue a decision at that meeting on the issue or hold the matter over for more information.
2. When the Board does render a decision, if the appealing agency or organization is still not satisfied, a request for a hearing with the California Department of Aging can be made according to Federal Register, Vol. 45, No. 63, § 1321.51(b) through (f).

B. REPRESENTATION

The aggrieved may be represented by a person or organization of the aggrieved's choice at any stage of this procedure.

C. WITHDRAWAL OF CLAIM

The aggrieved may withdraw the claim filed at any stage of this procedure.

D. FAILURE TO OBSERVE TIME LIMITS

In the event that the aggrieved party fails to exhaust its remedies under the appeals procedure provided above, or to abide by the time limits with respect to each step, the claim shall be presumed to be abandoned and the matter settled in accordance with the last decision thereto. In the event that the reviewing body fails to give its answer at any step within the time limits prescribed, the aggrieved shall have the right to proceed immediately to the next step. A time limit may be extended by written mutual agreement of the aggrieved and the reviewing body.