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HOUSE BILL NO. 2684

Offered January 20, 1997

A BILL to amend and reenact §§ 63.1-116, 63.1-117 and 63.1-119 of the Code of Virginia, and to repeal § 63.1-118 of the Code of Virginia, relating to appeals of decisions concerning public assistance.

Patrons—McDonnell, Nixon, Purkey and Ruff

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.1-116, 63.1-117 and 63.1-119 of the Code of Virginia are amended and reenacted as follows:

§ 63.1-116. Right of appeal to Commissioner.

Any applicant or recipient aggrieved by any decision of a local board in granting, denying, changing or discontinuing assistance, may, within thirty days after receiving notice in writing of such decision, appeal therefrom to, or ask for a review of the same by the State Board the Commissioner.

Any applicant or recipient aggrieved by the failure of the local board to make a decision within a reasonable time may ask for a review of the same by the State Board Commissioner.

The Board may, from time to time as it deems appropriate, appoint a committee consisting of any three of its members to consider and make final determinations on any such appeal or review.

The Board Commissioner may delegate the duty and authority to duly qualified hearing officers to consider and make determinations on any appeal or review by an applicant for or recipient of public assistance concerning any decision of a local board. The determination by the hearing officer may be reviewed by the Board upon the request of either the applicant, recipient or the local board. A review of the hearing officer's determination by the Board shall be governed by such rules and procedure as the Board shall determine. The Commissioner shall establish an appeals review panel to review administrative hearing decisions upon the request of either the applicant or the local board. Such panel will determine if any changes are needed in the conduct of future hearings, or to policy and procedures related to the issue of the administrative appeal, and periodically report its findings to the Commissioner.

§ 63.1-117. Action by Commissioner on appeal.

The State Board Commissioner shall provide an opportunity for a hearing, reasonable notice of which shall be given in writing to the applicant or recipient and to the proper local board in such manner and form as the State Board Commissioner may prescribe. The State Board Commissioner shall if it deems deemed proper make or cause to be made an investigation of the facts. The State Board Commissioner shall give fair and impartial consideration to the testimony of witnesses, or other evidence produced at the hearing, reports of investigations of the local board and local superintendent or of investigations made or caused to be made by the State Board Commissioner, or any facts which the State Board Commissioner may deem proper to enable it him to decide fairly the appeal or review.

The Board may, from time to time as it deems appropriate, appoint a committee consisting of any three of its members to consider and make final determinations on any such appeal or review.

§ 63.1-119. Finality of decision of Commissioner.

The decision of the State Board Commissioner shall be final and binding and in addition shall be treated as the decision of the local board concerned. The State Board may at any time thereafter reopen and review the matter involved, and aAny applicant or recipient aggrieved by any final agency action shall have the right to judicial review of such action pursuant to the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.).

2. That § 63.1-118 of the Code of Virginia is repealed.

INTRODUCED

HB2684