

## Transition Communiqué #13-13 - CCIS Hearings and Appeals/Overpayments Tracking Log

This is a message from the Bureau of Subsidized Child Care Services

**Title:** CCIS Hearings and Appeals/Overpayments Tracking Log

**Date:** May 16, 2013

**Priority:** High

**Category:** Action Required

**Action Required:** See Next Steps

**Response Required:** See Next Steps

### **Purpose:**

To provide Child Care Information Services (CCIS) agencies with a tracking log and procedures for transferring information regarding cases that have active appeals, pending appeal hearings, reconsideration requests and related overpayments to CCIS Grantees for Fiscal Year 2013 – 2014 (FY 13-14).

### **Background:**

CCIS agencies are responsible for processing appeals requested by the parent/caretaker (p/c), attending the scheduled appeal hearings, handling reconsideration requests (either by the p/c or CCIS) and pursuing collection of any resulting overpayment. Accurately tracking all of this information for active appeals, pending hearings, reconsideration requests and related overpayments is vital for CCIS agencies in managing their caseloads and assisting with a smooth transition between current CCIS agencies and FY 13-14 CCIS grantees that will be covering new service areas. The tracking log will also help CCIS agencies that are remaining the same in FY 13–14 effectively track cases with active hearings and appeals, reconsideration requests and related overpayments on an ongoing basis.

### **Discussion**

Effective immediately, all existing CCIS agencies will be required to complete the attached Hearings and Appeals/Overpayments Tracking Log and all FY 13-14 CCIS agencies must continue to maintain this tracking log on an ongoing basis. The tracking log is a spreadsheet containing three tabs. The first tab captures information related to each case currently under appeal and whether interim care was used or not. The second tab captures information about the possible client overpayment related to the appeal, and the third tab captures information on any reconsideration requested as a result of the appeal hearing decision, whether requested by the client or CCIS agency.

The first tab, “Active Hearings & Appeals,” includes the following columns for tracking information:

- **CCIS Office**
- **Co/Record Number**
- **Parent/Caretaker Name**
- **Date P/C Submitted the Appeal** – enter the date the CCIS received the appeal request from the p/c.
- **Care Continues During Appeal?** – indicate whether care continues during the appeal period by selecting a blank box in this column, clicking the down arrow

displayed immediately to the right and, using the drop down list provided, select whether the p/c requested care to continue during the appeal period (Yes/No).

- **P/C's Reason for Appeal** – briefly explain the reason why the p/c is appealing the CCIS's decision.
- **Date CCIS Sent Appeal to BHA** – enter the date when the CCIS sent the client's appeal to BHA.
- **Appeal sent to BHA by (CCIS staff name)** – enter the name of the CCIS staff person who sent the appeal to BHA.
- **Pre-conference Date** – enter the date scheduled for the pre-hearing conference.
- **Outcome of Pre-conference** – indicate the *Outcome of the Pre-conference* by clicking the down arrow immediately to the right of a blank box in this column and, using the drop down list provided, select the outcome of the pre-conference (one of the three options):
  - *Issue Resolved* = hearing not necessary and no overpayment exists
  - *Issue Resolved - Overpayment* = hearing not necessary but overpayment still exists
  - *Issue Unresolved – Pending Hearing* = conference failed to resolve issue and a hearing is still necessary
- **BHA Contact Info** – enter the name of the current BHA staff person handling the appeal and his/her phone number/email address.
- **Appeal Hearing Date** – enter the *Appeal Hearing Date*; if hearing is not scheduled yet, leave this field blank.
- **Hearing Type** – indicate the *Hearing Type* by clicking the down arrow immediately to the right of a blank box in this column and, using the drop down list provided, select whether the hearing will be by "Phone" or in person, i.e. "Face-to-Face."
- **Was Interim Care used?** – indicate whether *Interim Care was used* by clicking the down arrow immediately to the right of a blank box in this column and, using the drop down list provided, select whether Interim care was used –Yes or No (Interim care may be used if BHA was late in scheduling the hearing).
- **Interim Care Period** – if Interim care was used, enter the date range the care covered; if not used, leave this field blank.
- **Appeal Hearing Status** – indicate the *Appeal Hearing Status* by clicking the down arrow immediately to the right of a blank box in this column and, using the drop down list provided, select the outcome of the hearing (one of six options).
- **Did Hearing Decision Result in an Overpayment?** – indicate *whether the hearing decision resulted in an overpayment* by clicking the down arrow immediately to the right of a blank box in this column and, using the drop down list provided, select whether an overpayment exists as a result of the hearing decision (Yes/No).
- **Status Update** - briefly explain the circumstances related to the appeal hearing, including any important details as deemed necessary.

NOTE: For cases with pending appeal hearings that continue past the June 30, 2013 date (into FY 13-14), it is extremely important that, in addition to the information captured on the hearings and appeals spreadsheet, the physical case file includes a complete listing of all witnesses who are required to attend the appeal hearing. This includes any designated CCIS staff as well.

If an appeal hearing is scheduled in FY 13-14, the CCIS may subpoena staff that is no longer employed by the CCIS, but is familiar with the case. If the staff that has knowledge of the case is no longer available and cannot be subpoenaed, a CCIS representative from the FY13-14 agency must fully review the record and be prepared to testify from the record. In this case, staff must clearly indicate to the hearing officer that she has thoroughly reviewed the record and is testifying from the record.

The second tab, "Related Client Overpayments," includes the following columns for tracking information:

- The first three columns capture the same information as listed above for the "Active Hearings & Appeals" tab (i.e., **CCIS Office, Co/Record Number** and **Parent/Caretaker Name**).
- **Date CCIS sent Overpayment Repayment Letter to the Parent/Caretaker (P/C)** – enter date the overpayment repayment letter was sent to the p/c or provider.
- **Total Overpayment Amount** - enter the total overpayment amount.
- **Overpayment Period** - enter the begin and end dates of the overpayment period(s); if multiple periods exist, list the date ranges for each.
- **Child Care Program** - indicate the Child Care Program by clicking the down arrow immediately to the right of a blank box in this column and, using the drop down list provided, select the program under which an overpayment exists.
- **Client or Provider Repayment Method** – indicate the *Client or Provider Repayment Method* by clicking the down arrow immediately to the right of a blank box in this column and, using the drop down list provided, select the overpayment repayment method for the client or provider.
  - Client repayment options are: CCIS Payment Plan (outside system), Co-pay Increase (in system) or Both Methods Combined  
NOTE: Co-pay Increase is not a valid repayment method for the TANF and Food Stamps/SNAP child care programs.
  - Provider repayment options are: Recoupment Within System, Collection Outside System or Both Methods Combined
- **Date Repayment Began** – enter date the client or provider began repaying the overpayment.
- **Overpayment Balance Remaining for Collection** – enter the amount of remaining overpayment balance the client or provider is required to pay.
- **Status Update** - briefly explain the circumstances related to the active CCIS overpayment collection, including any important details as deemed necessary.

The third tab, "Reconsiderations," includes the following columns for tracking information:

- The first three columns capture the same information as those in the previous two tabs of the Hearings and Appeals Tracking Log, i.e. **CCIS Office, Co/Record Number** and **Parent/Caretaker**.

- **Reconsideration Requested by** – by clicking the down arrow immediately to the right of a blank box in this column, use the drop down list provided to indicate who requested the Reconsideration (Client or CCIS).
- **Reconsideration Request Date** – enter the date the client or CCIS requested the Reconsideration.
- **Reason for the Reconsideration** – enter a brief description for why the Reconsideration was requested.
- **Was care being paid during the Reconsideration period?** – by clicking the down arrow immediately to the right of a blank box in this column, use the drop down list provided to indicate whether care was used during the Reconsideration period (Yes/No).
- **Reconsideration Decision** – by clicking the down arrow immediately to the right of a blank box in this column, use the drop down list provided to select the outcome of the Reconsideration (one of three options).
- **Status Update** - briefly explain the current status of the Reconsideration, including any important details as deemed necessary.

NOTE: The data in the spreadsheet may be filtered as desired by clicking on the down arrow in the lower right corner of any of the gray column headings. After clicking the down arrow in the column you want to filter by, a dialogue box will appear, allowing you to select the data element you want to use to limit the results displayed in that particular tab of the spreadsheet.

#### Next Steps:

1. All FY 12-13 CCIS grantees must send a copy of the completed Hearings and Appeals/Overpayments Tracking Log to your Subsidy Coordinator no later than June 10, 2013.
2. As part of the transition process, all outgoing FY 12-13 CCIS grantees must share their completed Hearings and Appeals/Overpayments Tracking Log with the new FY 13-14 CCIS agencies no later than June 17, 2013.
3. Effective immediately and on an ongoing basis, all FY 13-14 CCIS agencies will use the Hearings and Appeals/Overpayments Tracking Log to track cases with active hearings and appeals, reconsideration requests and related overpayments.
4. Direct any questions to your Subsidy Coordinator.