

## **1755-5 Nature of Hearing**

The debtor shall have the burden of proving the allegations contained in the request for hearing and any facts alleged in a financial statement or other information provided to the hearing official.

The hearing shall be a nonadversary proceeding. The hearing official shall explain the nature of the hearing and the debtor's rights (including the debtor's rights to the various exemptions from earnings withholding). The hearing official shall introduce in evidence the request for hearing, the debtor's claim to exemption, and the debtor's financial statement. The hearing official may question any party or witness and may admit any relevant and material evidence.

The departmental staff participating in the hearing shall provide all information in its possession pertinent to the case whether such information supports the position taken by the department or not, including information respecting the effective date of the withholding period.