

42402 Conduct of CCS Fair Hearing

(a)

Testimony shall be taken only on oath or affirmation.

(b)

The proceedings at the CCS Fair Hearing shall be electronically recorded.

(c)

The Fair Hearing need not be conducted according to the technical rules of evidence and those related to witnesses. Any relevant evidence shall be admitted. Hearsay evidence shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

(d)

The Hearing Officer may question any party or witness and may admit any relevant and material evidence.

(e)

The Hearing Officer shall control the taking of evidence in a manner best suited for learning the facts and safeguarding the rights of the parties. Prior to taking evidence, the Hearing Officer shall set forth the order in which evidence will be received.

(f)

The applicant or client shall present his or her findings and evidence at the hearing. The applicant or client has the responsibility of demonstrating that the appeal

findings were not correctly made. Once the applicant or client has presented his or her case, the responsibility shifts to the Department to demonstrate that the Department's position regarding disputed issues is correct.

(g)

The hearing shall be conducted in the English language. If a party to the hearing is not proficient in the English language and requests language assistance, the Hearing Officer shall require the Department to provide an interpreter.