

|->

Title 22@ Social Security

|->

Division 13@ Department of Child Support Services

|->

Chapter 10@ Complaint Resolution

|->

Article 3@ State Hearing

|->

Section 120217@ Action by the Director or Director's Designee

120217 Action by the Director or Director's Designee

(a)

The Director or Director's designee shall review the proposed decision submitted pursuant to Section 120216 and take one of the following actions (1) Adopt the proposed decision in its entirety. (2) Make technical or other minor changes in the proposed decision and adopt it as the decision. Action under this paragraph is limited to correcting clerical errors or making a change of a similar nature that does not affect the factual or legal basis of the proposed decision. (3) Issue an alternate decision based on the case record, including the transcript, with or without taking additional evidence. If the Director or Director's designee renders an alternate decision, the decision shall be in writing and include a statement of the facts, reference to the applicable statutes and regulations, and the reasoning to support the decision. The decision shall be based on only those circumstances and issues existing at the time of the local child support agency and/or Department action or inaction in dispute that were the subject of the unresolved dispute and the request for state hearing. (4) Order a further hearing to be conducted.

(1)

Adopt the proposed decision in its entirety.

(2)

Make technical or other minor changes in the proposed decision and adopt it as the

decision. Action under this paragraph is limited to correcting clerical errors or making a change of a similar nature that does not affect the factual or legal basis of the proposed decision.

(3)

Issue an alternate decision based on the case record, including the transcript, with or without taking additional evidence. If the Director or Director's designee renders an alternate decision, the decision shall be in writing and include a statement of the facts, reference to the applicable statutes and regulations, and the reasoning to support the decision. The decision shall be based on only those circumstances and issues existing at the time of the local child support agency and/or Department action or inaction in dispute that were the subject of the unresolved dispute and the request for state hearing.

(4)

Order a further hearing to be conducted.

(b)

A final decision shall be rendered by the Director or Director's designee for all state hearings within 15 days from the date the proposed decision is submitted.

(c)

If the Director or Director's designee fails to act in the manner specified in subsection (a) within 15 days from the date the proposed decision is submitted, the proposed decision shall be deemed adopted by operation of law.

(d)

In the event that the Director or the Director's designee intends to exercise their authority under Subsection (a)(2), they may obtain an electronic copy of the proposed decision from the Presiding Administrative Law Judge and shall send, upon its issuance, a copy of the decision, as corrected, to the department or office

conducting hearings on behalf of the department.