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Title 22@ Social Security

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Division 13@ Department of Child Support Services

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Chapter 10@ Complaint Resolution

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Article 3@ State Hearing

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Section 120212@ Withdrawals

120212 Withdrawals

(a)

The complainant shall have the right to make an oral or written request to the State Hearing Office to withdraw the hearing request any time before the Director or Director's designee signs the decision. If the complainant has unconditionally verbally withdrawn the hearing request prior to the hearing, the State Hearing Office shall mail the complainant and the local child support agency a letter confirming the withdrawal of the hearing request, which shall serve as the written withdrawal. The hearing request shall be considered withdrawn unless, within 15 days after the mailing of such letter, the complainant notifies the State Hearing Office verbally or in writing the hearing request has not been withdrawn.

(b)

An unconditional written withdrawal of the hearing request shall result in the immediate dismissal of the hearing request. The dismissal shall be without prejudice, and the complainant shall have the right to file a new hearing request raising the identical issue provided the request is filed within the time frames specified in this Article.

(c)

A conditional withdrawal of the hearing request shall include a signed agreement between the complainant and the local child support agency. Any agreement under this subsection shall provide that the actions of both parties will be

completed within 30 days from the date the conditional withdrawal is signed by both parties. The complainant shall be responsible to reinstate the hearing request within 90 days after receipt of the local child support agency's notice of action(s) taken, if the complainant is not satisfied that the action(s) or ultimate outcome are consistent with the agreement.