

OFFICE FOR REFUGEES AND IMMIGRANTS (ORI)
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Massachusetts Refugee Resettlement Program (MRRP)

WHAT TO EXPECT AT YOUR FAIR HEARING

Authority

The hearing officer assigned to your appeal must conduct your hearing in accordance with the law, M.G.L. c.6 S207, and with the ORI regulations governing fair hearings at 121 CMR 1.00 et.seq.

Authorized Representative

You should attend your hearing in person. You may bring a member of your family, a friend, lawyer or other trusted person to help you. You also may allow one or more such people to represent you, but you must give them written permission.

Interpreter/Translator

If you are not fluent in English you may wish to have your hearing translated into your primary language. You may bring your own interpreter to the hearing or ask ORI to provide an interpreter for you. Please note that your case manager cannot act as an interpreter for you. If you would like ORI to provide an interpreter you must indicate this on the Request for a Fair Hearing form or call ORI at the above number as soon as possible, but at least one week before the hearing date.

Your hearing is your opportunity to explain your side of the issue to ORI. It is very important that you be able to understand everything that is said at the hearing and be able to contribute fully. If you believe you cannot fully communicate in English, an interpreted hearing will help you actively participate in your hearing.

Lawyers/Legal Services

You have the right to have a lawyer or other trained person represent you at your own expense. Free legal services may be available in your community. To find out about this, ask your case manager for more information.

Access to Case

You (and/or your authorized representative) have the right to review your case record before and during the hearing. You have the right to see and make copies of any documents (papers) in the Case Management Agency which may be used against you or which you intend to use in the hearing. To review your case record before the hearing you should schedule an appointment with your case manager.

Witnesses

You have the right to bring witnesses to testify for you. If you need to force a witness to testify, you should call ORI at the above number as soon as possible.

Evidence

It is important for you to bring any papers or other information related to your hearing with you on the scheduled hearing date. (For example, wage stubs, proof of school attendance of your child, or a doctor's statement that you are unemployable because you are disabled.)

Special Aids

If you have impaired sensory, manual or speaking skills which would prevent you from participating in the hearing, you may request special aid by calling ORI at the above number as soon as possible.

Home Hearing

If you have a physical disability which will prevent you from coming to the hearing, you may request that we hold the hearing at your residence. You may request a home hearing by calling ORI at the above number as soon as possible. We will ask you to provide proof of your disability.

Oath/Recording

At the hearing, the hearing officer will administer an oath to everyone who will testify. The hearing officer will tape record the hearing so we can make a transcript if you decide to appeal the result of the hearing.

Hearing Procedure

Usually, the Case Management Agency will present its case first. It has the burden of proving its position. You or your representative then may present your case. You may question or cross examine the Case Management Agency's representative and witnesses. The decision shall be based on substantial evidence.

Assistance Pending Hearing Decision

If you are receiving assistance pending a fair hearing decision, the hearing officer may order an immediate change in your assistance. If you receive assistance during your appeal, but lose your appeal, ORI can recover the amount you were overpaid. If you do not receive benefits during your appeal, and you win your appeal, ORI will promptly correct any underpayment.

Withdrawal

You may withdraw your request for a fair hearing at any time. To do so, just send a card or letter or return the letter scheduling your hearing, with your signature and a note saying that you want to withdraw your appeal. You may want to contact your case manager if you think the two of you can resolve the dispute without a fair hearing.

Postponement

If you are not prepared to go forward on the scheduled date because of an unexpected emergency or for some good cause and you want to reschedule the hearing, you must notify ORI in writing or at the above number as soon as possible before the hearing date. If the hearing officer does not accept the reason for your request as good cause, you must attend the hearing or forfeit it.

Decision

The hearing officer will issue a written decision. It will include directions on how to appeal to court if you disagree with the result.

Dismissal

If you or your representative fail to appear at the hearing, the hearing officer will notify you in writing, with a copy to your representative, if any, that you have 10 days to request a rescheduled hearing and show good cause for your absence. If the hearing officer finds good cause, the appeal will be rescheduled; if not, the hearing officer will dismiss the appeal, and aid pending appeal will be discontinued.