

FAIR HEARING SPECIALIST

DISTINGUISHING FEATURES OF THE CLASS: This is para-professional legal work involving responsibility for a variety of legal duties related to the preparation and presentation of fair hearing cases related to the determination of the Department of Social Services public assistance eligibility programs (e.g., Medicaid, Temporary Assistance, Supplemental Nutrition Assistance (SNAP), Home Energy Assistance (HEAP), etc.). The work is performed under the direct supervision of a higher-level legal administrator. Does related work as required.

TYPICAL WORK ACTIVITIES:

Reviews and prepares all legal arguments in support of public assistance programs eligibility determinations by reviewing case files in support of agency decisions;

Presents and advocates Fair Hearing cases for the Department of Social Services legal position in support of agency eligibility determinations before an Administrative Judge by presenting evidence as well as witnesses to support decisions;

Conducts direct examination and cross-examinations of witnesses presented during Fair Hearings;

Researches laws and regulations as it relates to Fair Hearing cases and actions;

Records all requests for Fair Hearings from recipients or applicants for public assistance benefits for all programs including Medicaid, Personal Care, Child Care, Temporary Assistance, Supplemental Nutrition Assistance (SNAP), etc.;

Ensures and accurately reports to New York State officials the agency's efforts to comply with all Fair Hearing decisions;

Meets with staff (e.g. Social Welfare Examiners and supervisors) to provide guidance regarding Fair Hearing decisions and provides advice as to the actions that are required to comply with agency regulations and directives;

Meets with Appellants' representatives, including attorneys to review complex cases for possible resolution in advance of the Fair Hearing or to identify outstanding legal and factual issues;

Notifies appropriate staff when the Appellant has been awarded continuation of benefits pending the Fair Hearing process or when it is determined that the public assistance notice is either legally insufficient or inaccurate, advises appropriate staff to review the case and reissue a proper legal notice to the Appellant;

Receives, reviews, files and distributes all Fair Hearing decisions including objections to the Office of Administrative Hearings on decisions the agency believes were wrongly decided on;

Prepares a variety of legal summaries providing factual and legal advice in making eligibility determinations including citations of applicable laws and regulations.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Good knowledge of federal, New York State and local social services laws, rules and regulations as they affect eligibility for assistance in various social services programs; good knowledge of legal documents, procedures and routine associated with a social services agency; ability to prepare and present fair hearing cases; ability to perform legal research; ability to independently prepare legal documents appropriate to various aspects of a social services agency; ability to understand and carry out complex oral and written instructions; ability to establish and maintain cooperative working relationships with others.

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MINIMUM QUALIFICATIONS:

1. An Associate's degree or higher, or equivalent college credits (minimum of sixty (60) credits) in Paralegal Studies, Criminal Justice, or comparable curriculum and four (4) years of experience that must have substantially involved the preparation of legal documents and/or paralegal tasks, of which two (2) years must have been in a social services office or agency; or
2. Graduation from high school or possession of an equivalency diploma and six (6) years of experience that must have substantially involved the preparation of legal documents and/or paralegal tasks, of which three (3) years must have been in a social services office or agency.