

## 12.1 Introduction

There are two levels of review under the **W-2** Dispute Resolution process: 1) a Fact Finding Review; and 2) a Departmental Review.

The purpose of the Fact Finding Review is to resolve disputes for applicants and participants who disagree with a W-2 agency's decision. This includes decisions regarding all W-2 services including Learnfare, and Job Access Loans, ~~and Emergency Assistance~~. A Departmental Review may be requested if an individual or the W-2 agency disagrees with a Fact Finding decision.

Individuals who disagree with an agency's decision regarding Medicaid, BadgerCare Plus, Child Care, FoodShare or Refugee Cash and Medical Assistance benefits must file a separate request for a Fair Hearing with the Department of Administration, Division of Hearings and Appeals. Participants must follow the Fair Hearing time frame which is detailed on decision notices. (See [Income Maintenance Manual, Section 3, Fair Hearings](#))

See EA Manual Chapter 6 for more information on the dispute resolution process for Emergency Assistance.

### 12.2.1 Request For Fact Finding Review

All **JAL** and ~~EA~~ applicants and **W-2** applicants and participants have the right to request a Fact Finding Review. The Fact Finding Review is completed by the W-2 agency's Fact Finder. It is the first level of the dispute resolution if an applicant or participant believes:

1. The denial of an application for ~~EA~~, ~~JAL~~, or W-2 services was incorrect;
2. The application was not acted upon with reasonable promptness;
3. The W-2 placement was inappropriate;
4. The W-2 placement begin date was wrong;
5. The W-2 payment was incorrectly ended, reduced, or subject to an overpayment;
6. The extension to a W-2 24-month placement time limit or 60-month state lifetime limit was incorrectly denied; and/or
- ~~7. The EA amount was incorrect; and/or~~
87. The denial of a good cause request for noncooperation with child support was incorrect.

If an applicant or participant requests a Fact Finding Review for a complaint not related to any of the above reasons, the W-2 agency must provide the *Petitioner* with a completed [Fact Finding Review Denial Notice \(2686\)](#) form.

An applicant or participant who requests a Fact Finding Review should be encouraged to use the form [Request for Wisconsin Works \(W-2\) Fact Finding Review \(10783\)](#). However, the petitioner may use other documentation containing the same information found in the form. A W-2 agency must also accept phone requests for Fact Finding Reviews and must document the phone request using the form [Request for Wisconsin Works \(W-2\) Fact Finding Review \(10783\)](#).

With the exception of a Learnfare Fact Finding Review request made within 10 calendar days after the date of the Learnfare Penalty Notification, the agency decision stands until it is overturned by a Fact Finding Review or a Departmental Review.

## **12.2.2 Timeframe For Requesting A Fact Finding Review**

### [12.2.2.1 Timeframe for Requesting Learnfare Fact Finding Reviews](#)

Fact Finding Review requests must be made:

- within 45 calendar days from the mailing date of the Notice of Eligibility for W-2 services and *JALs*; or
- ~~within 45 calendar days of the mailing date for manual *EA* notices; or~~
- within 45 calendar days from the effective date of the decision announced in the notice, whichever is later.

If the 45th day falls on a weekend or holiday, the calculated date will be the next working day. If the request is received within the 45-day timeframe, the W-2 agency must schedule a Fact Finding Review.

Fact Finding Reviews are not available if the agency action being contested occurred more than 45 days prior to the Review request. If the request for a Fact Finding Review is received beyond the 45-day timeframe, the W-2 agency must provide the petitioner with a completed [Fact Finding Review Denial Notice \(2686\)](#).

### **12.2.2.1 Timeframe for Requesting Learnfare Fact Finding Reviews**

A request for a Learnfare Fact Finding Review must be made within 45 calendar days from the mailing date of the Learnfare Penalty Notification stating the student is not in compliance with Learnfare requirements or within 45 calendar days from the effective date of the decision announced in the notice, whichever is later. However, a Learnfare financial penalty will not be imposed if the participant or family requests a Fact Finding Review within 10 calendar days after the date of the Learnfare Penalty Notification. In this situation, a Learnfare penalty will not be imposed until after the Fact Finding decision is issued and is favorable to the agency, unless the participant withdraws the request in writing or abandons the request.

### 12.2.3 Fact Finding Reasons

A ~~JAL~~ or ~~EA~~ applicant may request a Fact Finding Review if he or she believes:

1. The denial of an application for ~~EA~~ or a JAL was incorrect;
- ~~2. The EA amount was incorrect;~~
- ~~3. An EA application was not acted upon within 5 working days;~~
- ~~4.~~ A JAL application was not acted upon within 12 working days; or
- ~~5.~~ The agency's determination of an ~~EA~~ or a JAL *IPV* was incorrect.

A W-2 applicant or participant may request a Fact Finding Review if he or she believes:

1. The denial of an application for W-2 was incorrect;
2. The application was not acted upon within 12 working days;
3. The W-2 placement was inappropriate;
4. The placement begin date was wrong;
5. The W-2 payment was incorrectly ended, reduced, or subject to an overpayment;
6. The extension to a W-2 24-month placement time limit or 60-month state lifetime limit was incorrectly denied;
7. The denial of a good cause request for noncooperation with child support was incorrect; or
8. The agency's determination of an IPV was incorrect.

### 12.2.4 Fact Finder

Each *W-2* agency must have at least one individual assigned to conduct Fact Finding Reviews. The Fact Finder must:

- Be a person other than the one who took action on the case;
- Be neutral and provide an objective Review and decision regarding the dispute; and
- Have a full and complete understanding of all impacted programs.

The Fact Finder will conduct an orderly Review and, if there is any disruptive or combative behavior by anyone participating in the Review, the Fact Finder may either adjourn or exclude participation by any disruptive individuals.

W-2 agencies may choose to establish a process with another W-2 agency to assist in providing thorough and objective Fact Finding Reviews.

## **12.2.5 Fact Finding Review**

### **[12.2.5.1 Pre-Fact Finding Review Resolutions](#)**

The Fact Finding Review is an informal process to resolve disputes. It permits the *Petitioner* and W-2 agency to present information regarding the action or inaction in dispute. The W-2 agency must date stamp all requests for Fact Finding Reviews on the date the request was received. The agency must notify the petitioner of the scheduled Fact Finding Review appointment within 3 working days after the date the request for Review is received by the agency. The agency must use the [Fact Finding Review Appointment Notice \(10782\)](#) to notify the individual of the time, place and date of the scheduled Fact Finding Review. The agency must give the petitioner reasonable notice of the scheduled Fact Finding Review and must hold the Review within 8 working days of receiving the request.

If any party requests that the Fact Finding Review be rescheduled and has a reasonable reason for the request, the agency must reschedule the Fact Finding Review. The Fact Finder is responsible for determining the reasonableness of the request to reschedule.

An audio recording of the Fact Finding Review is recommended. All participants must be informed of the recording.

### **12.2.5.1 Pre-Fact Finding Review Resolutions**

At any time up to the date of the scheduled Fact Finding Review, the W-2 agency may contact the *Petitioner* to discuss the disputed issue and offer a resolution. If the petitioner does not agree with the agency's proposed resolution, the Fact Finding Review must be held.

If the petitioner agrees to the agency's proposed resolution, the agency must complete the form [Fact Finding Review Voluntary Withdrawal \(11155\)](#) which must be signed by the petitioner. The documented resolution must include any actions agreed upon by both the petitioner and the W-2 agency. If either party fails to take the action(s) by the agreed upon due date, then the form is void and a Fact Finding Review must be scheduled within 8 working days to address the petitioner's complaint.

### **12.2.6 Fact Finding Review Attendance**

The *W-2* agency worker who made the decision being disputed should attend the Fact Finding Review when possible to present the facts regarding the decision. If that worker is unable to attend the Fact Finding Review, another staff person must be present and prepared to represent the agency's actions.

The *Petitioner* and/or her/his representative must also attend the Review. The petitioner may have a representative present to assist in contesting the agency's decision. The process must provide for flexibility. If all parties are not able to attend in person, teleconferencing must be offered.

In order to prepare for the Fact Finding Review, the petitioner or the representative may request to view and copy any records pertaining to the decision. If the cost of copying the records is more than \$30, repayment may be sought. (This is assuming a \$.10 charge per page, which would allow up to 300 pages of copies before requiring payment.)

If the petitioner or her/his representative fails to attend the Fact Finding Review without good cause, the request for Review is considered abandoned. (See [11.2.2](#) for more information on good cause.)

### **12.2.7 W-2 Agency Representative's Responsibility at the Fact Finding Review**

The *FEP* or *W-2* worker must be prepared to introduce as evidence any testimony, exhibits and material from the case record or other sources pertinent to the disputed issue. Additionally, the FEP or W-2 worker must:

- Review the facts of the case and be familiar with the case as a whole. If more than one issue is disputed, the FEP or W-2 worker must be familiar with the policies that relate to all issues being raised.

- Ensure that the case record is complete and all necessary documents are present, appropriate, complete and in chronological order. Appropriate documents include W-2 activity assignment notifications, signed W-2 Participation Agreements, Employability Plans, and any correspondence to support the actions of the W-2 worker.
- Thoroughly document events pertaining to the issue with the date, place and identity of any person involved, including documentation of conversations. Dates of phone calls, names of the person taking the phone call, dates of letters, etc. should be documented for presentation.
- Identify and present W-2 Manual citations and Operations Memos related to the issue(s).

## 12.2.8 Testimony and Evidence

Once the *FEP* or other *W-2* agency representative has presented documentation to support the agency's action, the Fact Finder must give the *Petitioner* the opportunity to rebut the information. If credibility is an issue, the Fact Finder must determine which party was most credible based on testimony and evidence presented during the Fact Finding Review. Factors used to weigh the evidence include:

- Was testimony or evidence in conflict with other testimony or evidence in the record?
- Does the individual have firsthand knowledge?
- Does the individual appear to be telling the truth?
- Will he or she benefit from hiding the truth?
- Has evidence been presented that the person providing testimony has been unreliable or inconsistent in the past?

At the conclusion of the Fact Finding Review, the Fact Finder must ask all parties to sign the form [Documents Submitted at Fact Finding Review \(370\)](#). This form is used to list all evidence/documentation submitted and, to capture the signature of each person attending the Fact Finding Review, swearing to the accuracy of his or her individual testimony.

If the Fact Finder determines that additional documentation may exist that will support statements made during the Review, the Fact Finder may hold the record open for a specified number of days to allow the submission of the additional documentation. However, no new information may be submitted by the agency unless the petitioner is offered an opportunity to rebut the new information.

## 12.2.9 Fact Finding Decision

The Fact Finder must weigh all factors when making the final decision. The Fact Finder must issue a decision within 5 working days after the Review date, unless the Fact Finder has granted the *Petitioner* a request to submit additional evidence. In these cases, the Fact Finder may extend the decision date as appropriate.

The decision must be documented on the [Fact Finding Review Summary and Decision \(10784\)](#), or its equivalent. On the same day the Fact Finder reaches a final decision, a copy of the decision must be mailed by 1st class mail to the last known address of the petitioner. The Fact Finder must ensure that the date of the final decision is the same as the mailing date, taking into consideration postal holidays. The notice must include the final decision as well as the appropriate remedy, citing the source of the decision, and provide information regarding the individual's right to appeal the Fact Finding decision by requesting a Departmental Review.

The Fact Finder must deny a request for a Fact Finding Review or refuse to grant relief if the petitioner does any of the following:

1. Withdraws the request in writing; or
2. Abandons the request.

Abandonment occurs if neither the petitioner nor his or her representative appear at the scheduled Review without good cause. (See [11.2.2](#) for more information on good cause.) The petitioner has 7 working days from the date of the scheduled Fact Finding Review appointment to provide good cause.

## 12.2.10 Fact Finding Remedies

[12.2.10.1 Remedy for Paid W-2 Placements](#)

[12.2.10.2 Remedy for Custodial Parent of an Infant \(CMC\) and At Risk Pregnancy \(ARP\) Placements](#)

[12.2.10.3 Remedy for Job Access Loans](#)

[12.2.10.4 Remedy for Emergency Assistance](#)

*W-2* agencies are bound by the Fact Finding decision for a particular case. *W-2* agencies must comply with the Fact Finding decision within 10 calendar days after the decision date.

If a *W-2* agency is unable to comply with a Fact Finding decision for any reason, the *W-2* agency must contact the *Petitioner* and its Regional Administrator/Coordinator on or

before the 10th calendar day after the decision date and explain why the decision cannot be carried out timely.

#### **12.2.10.1 Remedy for Paid W-2 Placements**

If the decision overturns the agency's denial of an applicant's paid W-2 employment position, the W-2 agency must place the individual in a paid employment position that is appropriate for the individual. An individual is eligible for a payment for the employment position beginning on the date the individual begins participation in a paid placement. No retroactive cash payment for the period prior to participation shall be issued.

If the decision indicates a payment was calculated, reduced or terminated improperly, the W-2 agency must restore the W-2 payment to the appropriate level retroactive to the date on which the payment was incorrectly calculated, reduced or terminated.

#### **12.2.10.2 Remedy for Custodial Parent of an Infant (CMC) and At Risk Pregnancy (ARP) Placements**

If the decision overturns the agency's denial of a **CMC** placement, the W-2 agency must place the individual in the CMC placement effective the date of the baby's birth or the date of the application, whichever was later, and a retroactive cash payment must be issued.

If the decision overturns the agency's end date of the CMC placement, the agency must correct the end date and a retroactive payment must be issued.

If the decision overturns the agency's denial of an **ARP** placement, the W-2 agency must place the individual in the ARP placement effective the date of the application or the date that all the ARP financial and nonfinancial requirements have been met, whichever was later, and a retroactive payment must be issued. (See Operations Memo [09-77](#))

#### **12.2.10.3 Remedy for Job Access Loans**

If the decision overturns the agency's denial of a Job Access Loan (JAL) due to an error in financial or nonfinancial eligibility determination, the agency must re-examine the JAL eligibility based on the new information.

#### **12.2.10.4 Remedy for Emergency Assistance**



~~If the decision overturns the agency's denial or improper calculation of Emergency Assistance due to an error in financial or nonfinancial eligibility determination, the agency must issue the Emergency Assistance payment or an additional Emergency Assistance payment amount based on the new information.~~

### **12.2.11 Fact Finder File**

At the end of the Review process, the Fact Finder must have a complete Fact Finding file. The file must be a complete and thorough record of the Review and must include the following:

- [Request for Wisconsin Works \(W-2\) Fact Finding Review \(10783\)](#) or its equivalent;
- [Fact Finding Review Appointment Notice \(10782\)](#);
- [Fact Finding Review Voluntary Withdrawal \(11155\)](#) (if relevant);
- [Fact Finding Review Summary and Decision \(10784\)](#), or its equivalent;
- [Documents Submitted at Fact Finding Review \(370\)](#);
- Audio Recording of the Fact Finding Review; and
- Any additional information or evidence presented by the W-2 agency, the *Petitioner*, or the petitioner's representative.

The Fact Finder's file must include an audio recording of the Fact Finding Review.

If the petitioner or the petitioner's representative requests a copy of any part of the Fact Finding file, including the audio recording, the agency must provide the requested information. If the cost of providing the information is more than \$30, repayment may be sought. (See [12.2.6](#))

The agency must scan all of the Fact Finding forms and any additional information or evidence presented by the W-2 agency, the petitioner, or the petitioner's representative in to the petitioner's Electronic Case Record.

### **12.2.12 Reporting Fact Finding Information in CARES**

W-2 agencies are required to enter Fact Finding information such as the Fact Finding request date, the Review date, the reason for the Fact Finding request, pre-Fact Finding resolutions, Fact Finding attendance and the results of Fact Finding Reviews into CARES screen WPFf by the 10th day of each month for the prior month.

### 12.2.13 Summary of Fact Finding Timelines

Below is a summary of the timeframes that must be adhered to throughout the Fact Finding process by the applicant, the participant, the *W-2* agency or the Fact Finder:

- An applicant or participant must request a Fact Finding Review within 45 calendar days from the mailing date of the Notice of Eligibility for JALs or *W-2* services ~~or within 45 calendar days of the mailing date for manual EA notices~~, or within 45 calendar days from the effective date of the decision announced in the notice, whichever is later.
- The *W-2* agency must notify the *Petitioner* of the scheduled Fact Finding Review appointment within 3 working days after the date the request for Review is received by the agency.
- The *W-2* agency must schedule the Fact Finding Review within 8 working days from the date the request for Review is received by the agency.
- The Fact Finder must issue a decision within 5 working days after the Review date.
- The Fact Finder must mail a copy of the decision by 1st class mail to the last known address of the petitioner on the same day a final decision is reached.
- The *W-2* agency must comply with the Fact Finding decision within 10 calendar days after the decision date.
- The *W-2* agency is required to enter Fact Finding information into CARES screen WPFf by the 10th day of each month for the prior month.

If the Fact Finding Review is rescheduled (see [12.2.5](#)), then the dates that the decision must be issued, mailed to the petitioner, acted upon and entered into WPFf are moved back accordingly.

### 12.3.1 Requesting a Departmental Review

If an individual or the *W-2* agency disagrees with the final Fact Finding decision, they may appeal the decision by requesting a Departmental Review ~~with one exception. The one exception is that a *W-2* agency may not appeal a Fact Finding decision related to Emergency Assistance, but the individual may.~~

The Department of Administration, Division of Hearings and Appeals (DHA) will complete the Departmental Review. This Review is a limited review of the record and the decision of the Fact Finder.

The request for a Departmental Review of a W-2 decision including a Job Access Loan decision must be received by the DHA within 21 calendar days after the date on which the copy of the Fact Finding decision is mailed (the same date as the Fact Finding decision).

~~The request for a Departmental Review of an Emergency Assistance decision must be received by the DHA within 14 calendar days after the date on which the certified copy of the W-2 Fact Finding decision is mailed (the same date as the Fact Finding decision).~~

DHA must date stamp requests for a Departmental Review. DHA will promptly notify the W-2 agency of receipt of a request for a Departmental Review. The W-2 agency must submit the Fact Finding file to DHA within 5 working days after receipt of the request. DHA will fully review the W-2 agency's Fact Finding decision by completing a desk review.

If after reviewing the Fact Finding file, DHA determines that the file is inadequate, DHA may do any of the following:

- Remand the file to the W-2 agency to provide additional information;
- Hold a teleconference interview with the *Petitioner* and W-2 agency representative; or
- Request written supplementation from the petitioner or W-2 representative.

DHA may grant a postponement of a telephone conference if the petitioner is not available due to a good cause reason. DHA may grant an extension of the decision.

DHA must complete its Review within 10 working days of the receipt of the Fact Finding file, unless DHA determines the file is inadequate. If the W-2 agency has requested the Departmental Review, the W-2 agency must comply with the Fact Finder's decision while waiting for DHA to issue its decision.

The Department must deny a request or must refuse to grant relief if the applicant or participant withdraws the request for a Departmental Review in writing.

### **12.3.2 Proposed Departmental Review Decisions**

*DHA* may issue a proposed decision rather than a final decision. Whenever a decision concludes that a manual provision is invalid or too limited under a state statute, the decision must be issued as proposed.

When DHA issues a proposed decision, it solicits comments from all parties and instructs the *W-2* agency that the decision is proposed and should not be acted upon.

All parties may send written comments or objections to the proposed decision to DHA within 15 calendar days of receipt of the proposed decision. Upon request, DHA may extend the deadline for written comments.

After the 15 calendar day comment period has ended, DHA sends the proposed decision and all comments or objections to the Department of Children and Families (DCF). The Secretary of DCF reviews the proposed decision and issues the final decision. The Secretary's final decision can be to agree or reverse the proposed decision or amend current policy. The final decision made by the Secretary is communicated by DHA to the individual and the W-2 agency. The final decision must be acted upon within 10 calendar days by the W-2 agency if the decision is in favor of the individual.

If the final decision ruled current department policy to be incorrect, the W-2 agency must continue to follow the current policy in all other cases until the Department changes that policy.

### **12.3.3 Departmental Review Final Decision**

The Departmental Review final decision is based upon the review of the Fact Finding file, and when applicable, the information obtained during a telephone conference, or written supplementation. The Departmental Review final decision contains the following information:

- The facts presented from the Fact Finding file;
- Any additional statements (oral or written);
- The conclusions applicable from pertinent law; and
- The Departmental Review order.

*DHA* must issue a copy of the written decision of the Departmental Review to the applicant or participant and the W-2 agency.

### **12.3.4 Departmental Review Remedies**

*W-2* agencies are bound by the Departmental Review final decision for a particular case. W-2 agencies must comply with the Departmental Review decision within 10 calendar days.

In order to ensure compliance, *DHA* sends the W-2 agency a Certification of Administrative Action (DHA-18) form along with the decision. This form must be

completed and sent back to DHA in order to certify that appropriate action has been taken within 10 calendar days. The form should not indicate what the agency will do, but, rather, what the agency has already done to comply with the order. In addition to sending the form back, DHA requires agencies to include copies or make note of **CARES** screens that have been used to record the action taken. DHA will not close out the case file until there is evidence in CARES that action has been taken.

As with Fact Finding decisions, if a W-2 agency is unable to comply with a Departmental Review decision for any reason, the agency must contact its Regional Coordinator/Administrator on or before the 10th calendar day and explain why the decision cannot be carried out timely. Non-compliance with DHA decisions may result in a corrective action or a failure penalty as defined in the W-2 and Related Programs Contract.

The Division of Family and Economic Security (DFES) may find that the final decision's principles and policies require a change in policy. If so, DFES will make a statewide directive. Until such a declaration, the W-2 agency must continue to follow existing written policies and procedures in all other cases.

The remedies allowed under Departmental Review decisions are the same remedies allowed under Fact Finding Review decisions. (See sections [12.2.10.1 - 12.2.10.4](#) for more information on remedies.)

## **12.4.1 Administrative Hearings for Delinquency Collection Actions**

The Public Assistance Collection Unit (PACU) located in DCF serves as the State's central collection section for the recovery of delinquent public assistance overpayments. PACU utilizes and initiates various collection methods to recover overpayments, including liens, levies, and tax intercepts, which are known as delinquency actions. Liens are docketed against a debtor's real and personal property, such as a home to secure the state's interest. Levies are issued against all real and personal property including wages or bank accounts. Tax interceptions are issued against the clients state tax refunds or credits owed by the debtor.

Once the individual is notified of the delinquency collection action, he or she has 21 calendar days to appeal a levy or lien collection action and 30 calendar days to appeal a tax intercept collection action. The Division of Hearings and Appeals (DHA) conducts the administrative hearings for delinquency collection actions.

## 12.4.2 Role of the W-2 Agency In Administrative Hearings for Delinquency Collection Actions

### [12.4.2.1 Lien or Levy Collection Action Hearings](#)

### [12.4.2.2 Tax Intercept Hearings](#)

A delinquency hearing may be limited to the delinquency collection action or questions of prior payment or debtor identity. However, under certain circumstances the *ALJ* may decide to review the underlying merits of the overpayment. This can include inquiries such as how the overpayment was calculated and whether proper notice to the debtor(s) had been provided.

W-2 agencies are not involved in the delinquency hearing process. *PACU* will appear and prepare all exhibits for all lien and levy delinquency hearings. DCF's Office of Legal Counsel (OLC) will appear and prepare all exhibits for tax intercept hearings. *PACU* and *OLC* will collaborate with the Wisconsin Works (W-2) agency prior to the delinquency hearing to determine if a fact-finding review took place on that claim. When a W-2, or Job Access Loan (JAL) , ~~or~~ Emergency Assistance (EA) delinquency hearing results in the need to address the merits of the overpayment, *PACU* and *OLC* will request that the *ALJ* schedule a fact finding if there was no prior fact finding decision made prior to the delinquency hearing. The local W-2 agency that established the claim will follow the current procedures in [12.2.5](#). If there is a fact finding decision on record, *PACU* will request that the *ALJ* schedule a departmental review. The local W-2 agency that established the claim will follow the current procedure for departmental review in Section 12.3.

If a merit hearing or departmental review already occurred on the W-2, or JAL ~~or~~ EA related claim, *PACU* and *OLC* will provide that information at the time of the delinquency hearing and will request no additional hearing to be scheduled.

The delinquency hearing will be held in the *Petitioner's* current county of residence. If the case has been transferred to another W-2 agency since the overpayment determination, both the current agency and the previous agency will be notified of requested appeals. The agency where the overpayment originated is the agency that must attend and provide supporting information if the hearing is rescheduled to a fact-finding or departmental review hearing. An agency can request to attend the hearing by telephone in a transferred case situation or at any other time that a telephone appearance is warranted. The notice of scheduled hearing will list the Administrative Law Judge and his or her telephone number to contact for requested telephone appearances.

### 12.4.2.1 Lien or Levy Collection Action Hearings

When a program participant appeals a lien or levy collection action through DHA for W-2, or JAL, ~~or~~ EA, DHA will notify PACU and the local agency that established the claim via email. The local agency does not need to take any action at that time. PACUs will take the following actions:

- Prepare and provide DHA with all exhibits;
- Appear at the hearing and defend the lien and/or levy collection action;
- Review decisions for policy adherence;
- Comply with the hearing decision by removing/continuing lien and levy collection action; and
- Provide the certification of compliance to DHA, when necessary.

#### **12.4.2.2 Tax Intercept Hearings**

When a program participant appeals a tax intercept action through DHA for W-2, or JAL, ~~or~~ EA, DHA will notify PACU and the local agency that established the claim via email. The local W-2 agency does not need to take any action at that time. PACU and the Department of Children and Families (DCF) Office of Legal Counsel (OLC) will take the following actions:

- PACU will communicate with OLC that a debtor initiated a W-2 tax intercept appeal through DHA.
- OLC will request DHA to convert the delinquency hearing to a contested case hearing.
- OLC will prepare and provide DHA with all exhibits.
- OLC will appear at the hearing and defend the tax intercept action.
- OLC will comply with the hearing decision by removing/continuing the tax intercept action.
- OLC will work with PACU to complete and provide a certification of compliance to DHA when necessary.