

Case Managers: How to Effectively Assist your Clients in PCA Cases at OAH

Checklist

1. The hearing request: may be emailed to oah.filing@dc.gov.
 - a. Indicate who is making the request for Petitioner.
 - b. List contact information for Petitioner: street address, email, and telephone.
 - c. List contact information for Petitioner's representative: name, organization, address, email, and telephone. Indicate if consent to serve by email.
 - d. A case manager *may* serve as Petitioner's representative. OAH Rule 2972.1.
 - e. Identify program (e.g. Medicaid or EPD Waiver), type of service (e.g. PCA services), and challenged agency action (e.g. denial, termination, reduction, or inaction) and, if available, include a copy of the adverse agency decision.
 - f. If Petitioner needs a telephone hearing, explain why. [all by telephone now]
 - g. Does Petitioner need an interpreter? Language?
 - h. May request to expedite the case because Petitioner is seeking to start, restart, or increase services (not simply continue current services at the same level).
2. Communication with OAH after the hearing request.
 - a. General rule: "file" a document (e.g. email it to OAH at oah.filing@dc.gov) *and* "serve" the document on (send a copy to) the other side.
 - b. A request to withdraw a hearing request (motion for voluntary dismissal): who is making the request and what is the reason?
 - c. A request to reschedule a status conference or hearing: before filing, try to reach the other side to discuss and agree on alternative dates.
 - d. A request to expedite a case: how could expediting the case help Petitioner?
 - e. Request for reconsideration (filed within 15 days after mailing of Final Order) or request for relief from the Final Order (filed more than 15 days after mailing of Final Order) -- Does Petitioner have a good reason for missing the hearing? What is Petitioner's claim? Certify that no appeal has been filed.
3. Expectations for representatives.
 - a. Communicate with Petitioner (e.g. decision to file hearing request, to seek reconsideration at DHCF, or to settle). Are services currently being received?
 - b. Attend all status conferences and be prepared to update the judge.
 - c. Pursue any needed reconsideration at DHCF (may request prior to OAH case).
 - d. Pursue any needed reassessment by Liberty.
 - e. Case management: withdraw a hearing request if no longer needed.
 - f. File/serve documents (exhibits) 5 days before hearing: e.g. medical records.
 - g. Arrange for witnesses to testify at the hearing. Can ask OAH for a subpoena.
 - h. Attend the hearing and, if needed, testify at the hearing.
 - i. If Petitioner meets DHCF's required level of care to be eligible for PCA services, assist Petitioner with DHS's review of financial eligibility.
4. OAH Consolidated Rules – current version posted at oah.dc.gov ("Rules and Laws").
 - a. Consult special rules for Public Benefits cases, sections 2970 through 2978.
 - b. Representatives (Rule 2972.1), Missed hearing - dismissal without prejudice (Rule 2976.2), Reconsideration/Relief from Final Order (section 2828).