

IBM Cúram Social Program Management  
Version 7.0.2

*Cúram Appeals Guide*



**Note**

Before using this information and the product it supports, read the information in [“Notices” on page 40](#)

**Edition**

This edition applies to IBM® Cúram Social Program Management v7.0.2 and to all subsequent releases unless otherwise indicated in new editions.

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# Chapter 1. Appeals business overview

A business overview of the appeal and legal action processing that is provided by the IBM Cúram Appeals application module. Use this information to map existing features and capability to your business requirements during a business analysis.

## Appeals

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Social Enterprise Management (SEM) agencies allow their applicants and clients to appeal decisions that are made on their cases and applications. An appeal is a request to have a decision overturned and it can go to several levels before it is resolved. The levels or stages the appeal goes through is called the appeal process.

IBM Cúram Appeals provides three appeal types that can be configured to make up an appeal process that works for the organization. Each of these appeal types is processed differently.

- Hearing
- Hearing review
- Judicial review

When an application, product delivery case, determination, or issue case is appealed, a user creates the appeal according to the type configured for the relevant stage of the process. All three appeal types include collating statements, scheduling hearings, deciding whether to overturn the decision, and implementing the appeal decision.

### Appellants and Respondent

An appellant is a party (usually the primary applicant) who disagrees with a decision made by the organization and submits an appeal. For example, a person might submit an appeal to a decision where they are determined ineligible for an unemployment benefit.

All appeal cases have at least one appellant. In certain circumstances, an appeal case can have multiple appellants. For example, if multiple claimants are dissatisfied with a decision made by the organization in relation to their item under appeal, the organization can decide to consider all of the items at one hearing. To cater for this situation, the organization can add each claimant to an appeal as an appellant. Each appellant added has the decision on their item under appeal considered at the hearing that is held for the appeal. For more information, see [“Appeals Against Multiple Decisions”](#) on page 2.

A respondent is a party who responds to an appeal made by an appellant and who defends the decision that led to the appeal.

The organization is always either the appellant or the respondent. Where the organization is the respondent, the appellant is usually the primary client or nominee on the original application or case. Conversely, if the respondent is a case participant, the appellant must be the organization.

Appellants who are not directly associated with an item under appeal can be added to an appeal case. This flexibility allows other participants with an interest in the appeal to be included in the hearing that is held for the appeal case.

### Third Parties

A third party is a participant other than the appellants and respondent that is involved with a hearing appeal. For example, an employer can be recorded as a third party on a hearing appeal. The organization can decide that the primary client is ineligible based on a discrepancy between the evidence that is given by the primary client and the evidence that is provided by their employer. If the primary client appeals the decision, the primary client is recorded as the appellant, the organization is recorded as the respondent,

and the employer is recorded as the third party. A third party can be any participant type, for example, employer, information provider or service supplier.

Third parties are not required to attend hearings that are scheduled for a hearing appeal. If a third party chooses not to attend the hearing, they are notified of the outcome of the hearing. Third parties can be added to, and removed from hearing appeals. If a third party is removed from a hearing appeal that has a scheduled hearing, the third party is notified that they are no longer required to attend the hearing.

## Appeals Against Multiple Decisions

One appeal case can address multiple decisions that are required on the item under appeal. A number of items under appeal can be associated with an appeal and each can belong to a different participant. For example, multiple participants can have the same issue with an employer. Several participants can request an appeal if they are refused benefits that are based on discrepancies between the evidence they provided and the evidence that is given by their employer. In this situation, the organization might want to consider any similar issues as part of the one appeal case.

A participant can appeal several decisions at a time. For example, if the organization denies a participant unemployment benefit on one case and reduces the participant's childcare allowance on another case, the participant can have both case decisions considered as part of one appeal case.

The decision to combine multiple appeals into a single hearing is made at the discretion of the organization. If multiple items under appeal were considered at the hearing, a resolution is entered for each and an overall decision is deduced based on the resolutions.

When appealing multiple items within a single appeal, the system checks the appeal process configuration for item under appeal that is linked to the appeal. Multiple decisions can be considered at hearings that share the same appeals process configuration.

## Appeal types

There are three appeal types: hearing appeal, hearing review appeal, and judicial review appeal. Each appeal type has a different purpose. The following sections describe each appeal type in more detail.

### Hearing Appeal Type

The purpose of a hearing appeal is to manage hearings held to appeal a decision on an item under appeal. A hearing is scheduled to resolve the decisions concerning the appellants on the appeal. These hearings are conducted by the organization and are overseen by a hearing official who was not involved in the original decision that resulted in the appeal. Hearing cases provide the appellants and the respondent with an opportunity to present their positions at a hearing that is conducted by a hearing official that is employed by the organization. This gives the appellants an opportunity to provide more information and if necessary, bring other case participants to the hearing to testify on their behalf.

Hearings can be oral or desk-based. An oral hearing is a hearing that is held at an organization location, over the telephone, or at an appellant's home. Any number of case participants and users can attend an oral hearing. A telephone, location, home, or desk-based hearing can be held when there is only one appellant on the hearing case appeal. If there are multiple appellants, the hearing can be held at an organization location or be desk-based.

The hearing official is responsible for decisions on any issues that are presented at the hearing. A desk-based hearing is a hearing that is decided by a hearing official that is based solely on a consideration of evidence and statements that are submitted by the case participants. In this situation, there is no oral hearing to be attended by the participants.

Except for desk-based hearings, participants are automatically invited to attend all other hearings that are scheduled for an appeal case. Correspondence is automatically generated to notify hearing case participants of the scheduled hearing.

### Hearing Review Appeal Type

Like a hearing appeal, a hearing review is an appeal to overturn a decision on an item under appeal. Unlike a hearing appeal, hearing review decisions are not decided by a hearing official, and only certain case

participants can attend a hearing review. A hearing review is sometimes referred to as an appeals council review. The appeals council is an impartial committee that is made up of hearing reviewers who are not involved in any previous decisions on the case. The hearing reviewers are responsible for deciding on the issues that are presented at the hearing. When a decision is reached at the hearing, the decision information is entered by the hearing reviewers.

The main difference between a hearing appeal and a hearing review appeal is that a hearing appeal is overseen by one hearing official whereas a hearing review is conducted by one or more hearing reviewers.

Another difference between a hearing review and a hearing appeal involves the parties that are invited to attend the hearings. Representatives are the only case participants that are invited to attend a hearing review.

### **Judicial Review Appeal Type**

A judicial review is an appeal that is conducted by a court to overturn a decision on an item under appeal. If a decision is appealed to a judicial review, it is within the court's jurisdiction to overturn it. The main difference between a judicial review and other appeal types is that a judicial review is conducted outside the organization and is therefore outside the control of the organization. The decision making is not handled as part of the appeals process. The only information that is entered for a judicial review is the fact that it is taking place. When a decision is reached for the judicial review, it is recorded on the system by an organization user.

A judicial review can be requested by a participant or by the organization and is initiated by filing a petition with the courts. The court petition for all judicial review appeals is attached to the judicial review case.

## **Appeal Levels**

Most organizations have an appeals procedure in place that allows for the escalation of an appeal decision to a higher level. For example, if an appellant loses an appeal, they can request that a higher decision-making body overturn the decision that is reached for the previous appeal. To allow for the escalation of an appeal to a higher decision-making body, each appeal process consists of one or more levels or stages. An appeal type is specified for each stage of appeal.

The organization can choose to implement an appeal process that uses two out of the three appeal types. For example, it might designate the first level of appeal to be a hearing appeal, the second level of appeal to be hearing review and not implement the judicial review appeal type at all. The same appeal type can be used at a number of appeal levels for an item under appeal. For example, the organization might decide to hold a hearing appeal as the first and second level of appeal. Additionally, the organization might decide that any type of appeal can be created at any level of appeal. The process of escalating an appeal to another stage is configurable and can be set on each item under appeal in the Administration application.

One of the benefits of having different levels for appeals processing is that new evidence that was unavailable for one appeal can be presented at the next level of appeal and a relationship is established between the two appeals.

## **Legal Actions**

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Legal actions enable the organization to manage directives, actions, or other activities concerning participants that are conducted by a legal authority. Examples of directives and actions include hearings, petitions, orders, and requests.

For example, a court can decide to hold a hearing to sentence a participant who committed an offense. Alternatively, the organization might prepare a petition for a court to make a decision on an offense that is committed by a participant. Legal actions can result from another legal action, decision, or any other reason that is deemed appropriate by the organization.

Three main categories of legal action are supported:

- Legal Petition

- Legal Hearing
- Legal Order

The process for managing hearings for both legal hearings and appeals hearings is the same.

The ability to define and categorize new legal actions is provided as part of system administration. For more information, see [“Legal Action Types and Categories”](#) on page 37.

## Legal Petitions

A legal petition is a formal request to a court to take action based on a situation involving a participant. For example, the organization might request that an attorney file a petition on its behalf to remove a child from the home due to unsafe conditions. A legal petition typically results in a formal or informal court hearing. The petitioner is the participant who requests an action by the court. The petition can be completed and filed by a representative acting on behalf of the organization. The respondent is the person who is the subject of the petition and who responds to the charges or actions that are requested of the court.

For example, James Smith is caught by Officer Bill vandalizing a library. A case is created by the organization and offense details captured. Based on the offenses captured against James, the organization files an offense petition in the court. The organization is considered the petitioner and James is the respondent for this petition.

A legal petition can have multiple participants, which include the petitioner, the respondent, and any other participants that are involved with the petition.

For more information on legal petition management, see [“Legal Action Process Overview”](#) on page 22.

## Legal Hearings

A legal hearing is a legal proceeding that is held before a judge or legal authority. Examples of legal authorities include courts, administrative law judges, and tribunals. Legal hearings can result from other legal actions such as petitions and legal orders.

For example, based on a petition that is filed by the organization, a court can schedule a hearing, which results in the creation of a legal hearing for James Smith. The legal hearing includes a scheduled hearing. The arresting police officer, Bill, is called as a witness for the organization to provide vital information about James and details of the incidents that led to his arrest outside the city library building. Based on reports from the witness, a judge finds James Smith guilty and sentences him to 100 hours of community service.

For information on legal hearing management, see [“Legal Action Process Overview”](#) on page 22.

## Legal Orders

A legal order is a directive by a legal authority regarding a participant. It can be made in response to an application by the government against an alleged criminal or perpetrator, or in response to a request made on behalf of a participant who is the responsibility of the organization. For example, a legal order can be a sentence that is given by a legal authority during a legal hearing to a participant. A legal order is typically intended to be for or against a participant.

A legal order can be created as a result of a legal hearing, a legal petition or independently. A legal order contains the details of the judgment that is provided by the legal authority or the court on a petition or a hearing. For example, it might contain the sentence details or directions to various participants involved. If a legal authority sentences a participant to 100 hours of community service during the associated legal hearing, the sentence is recorded as a detention order.

A legal order action does not distinguish between participants that are based on roles like petitioner or respondent.

For information on legal order management, see [“Legal Action Process Overview”](#) on page 22.

## Appeal Users and Participants

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An overview of the users and case participants who play a role on appeal hearing, hearing review, and judicial review appeal types.

Various users are selected to manage different aspects of each appeal. Additionally, case participant roles are assigned to any of the individuals or groups who play a role on the appeal.

### Hearing Case Users

A hearing appeal type is moved through its lifecycle by users with certain privileges. There are seven user roles a user can be assigned to: the hearing case owner role, the hearing case supervisor role, the hearing scheduler role, the hearing worker role, the case owner role, the hearing official role, and the senior hearing official role. Each role defines the nature of the user's involvement in the hearing case.

#### Hearing Case Owner

The hearing appeal type owner is the user who creates the hearing case. In addition to creating the hearing appeal, the hearing case owner maintains hearing information such as statements, transcription requests, and events.

The hearing appeal owner is responsible for managing hearing details for the hearing case if no hearing worker is assigned to the hearing case.

#### Hearing Case Supervisor

The hearing appeal supervisor approves or rejects the creation of the hearing case. The hearing appeal supervisor manages the hearing case by approving it so that a hearing can be scheduled.

The hearing case supervisor defaults to a user who the hearing case owner reports to.

#### Hearing Scheduler

The hearing scheduler is the user who schedules a hearing or hearings on the hearing appeal. When a hearing case is approved, the system issues a task to all available users who are assigned to the hearing scheduler user role. The user who reserves this task is responsible for scheduling a hearing or hearings on the hearing case.

#### Hearing Worker

The hearing worker manages hearings on the hearing appeal. If no hearing worker is assigned to the hearing case, the hearing case owner manages the hearing. Hearing management includes scheduling the hearing (or rescheduling) and recording hearing attendance. Following the scheduling of a hearing, the system issues a task to an available user with hearing worker privileges. Once the user reserves the task, the user is assigned the hearing worker role.

#### Case Owner

The owner of any item under appeal is automatically included as part of the hearing case and is also assigned a user role. This user is responsible for implementing hearing case decisions. The organization can also invite the case owner to attend hearings.

#### Hearing Official and Senior Hearing Official

The hearing official is responsible for presiding over the hearing for the hearing appeal, making a decision on the appeal, and creating the hearing decision documentation. This user supervises the management of the hearing case.

### Hearing Case Participants

A hearing appeal participant is a participant who plays a role on a hearing case. The most important of these being the appellants and respondent. Hearing case participants also include representatives, third parties, hearing interpreters, and witnesses at the hearing.

## **Representatives**

A representative is a participant who attends a hearing on behalf of one or more appellants. For example, a representative might be a legal attorney hired to represent the appellants at the hearing. A user has the option of adding more appellants to be represented as well as removing the association between a representative and appellant if required. If a hearing representative charges a fee, the organization must approve the fee before it is paid to the representative.

## **Interpreters**

Interpreters might be required at hearings to facilitate communications between the hearing attendees. An interpreter can be a registered service supplier. Interpreters who are not already registered on the system are registered as representative participants.

## **Witnesses**

A witness testifies under oath at a hearing. A witness can be called to give evidence at a hearing on behalf of all appellants on an appeal case. If the witness is not voluntary, a summons is sent requiring that the witness attend the hearing, otherwise a hearing schedule correspondence is sent to the witness. Examples of witnesses include doctors, public health nurses, or other individuals who know about the needs of the appellants. A witness can be a registered person or an unregistered participant who is subsequently registered as a representative on the system for the purpose of the appeal.

## **Hearing Review Users**

A hearing review appeal type is moved through its lifecycle by users with certain privileges. There are seven user roles a user can be assigned to: the hearing review owner role, the hearing review supervisor role, the review hearing scheduler role, the review hearing worker role, the case owner role, the hearing reviewer role, and the senior hearing reviewer role. Each role defines the nature of the user's involvement in the hearing review.

### **Hearing Review Owner**

The hearing review owner is the user who creates the hearing review. This is the caseworker who creates the initial appeal hearing request. In addition to creating the hearing review, the hearing review owner maintains hearing review information such as statements, transcription requests, and events.

The hearing review owner is responsible for managing hearing details for the hearing case if no hearing worker is assigned to the hearing review.

### **Hearing Review Supervisor**

The hearing review supervisor approves or rejects the creation of the hearing review. The hearing review supervisor manages the hearing review by approving it so that a hearing can be scheduled.

The hearing review supervisor defaults to a user who the hearing review owner reports to.

### **Hearing Scheduler for the Hearing Review**

The review hearing scheduler is the user who schedules a hearing or hearings on the hearing review. When a hearing review is approved, the system issues a task to all available users who are assigned to the hearing scheduler user role. The user who reserves this task is responsible for scheduling a hearing or hearings on the hearing review.

### **Hearing Worker for the Hearing Review**

The organization can assign a hearing worker to the hearing review. The hearing worker manages hearings on the hearing review. If no hearing worker is assigned to the hearing review, the case owner maintains hearing details, as well. The organization can assign a hearing worker to the hearing review who assumes the responsibility for managing hearings. The hearing worker can maintain hearing details such as hearing attendance and hearing attachments. Following the scheduling of a hearing, the system issues a task to an available user with hearing worker privileges. Once the user reserves the task, the user is assigned the hearing worker role.

## Case Owner

The case owner of any case or issue where a decision is being appealed is automatically included as part of the hearing review and is also a user role on the hearing review. This user is responsible for implementing hearing review decisions. The organization can also invite the case owner to attend hearings.

## Hearing Reviewers

The hearing reviewer is responsible for presiding over the hearing, making a decision on the hearing review, and creating the hearing decision documentation.

## Hearing Review Participants

A hearing review participant is a participant who plays a role on a hearing review, the most important of these being the appellants and respondent. Hearing participants can also include representatives who attend a hearing on behalf of an appellant. A hearing representative might be a legal attorney hired to represent one or more appellants at the hearing. If a hearing representative charges a fee, the organization must approve it before it is paid to the representative.

## Judicial Review Users and Case Participants

Since the judicial review is handled outside the organization, there is only a few user and case participant roles.

There are two users: the judicial review case owner and the case owner of the original items under appeal.

The judicial review case owner is the user who creates the judicial review case. They maintain judicial review information such as statements, transcription requests, and events. Any decisions that are made at a judicial review are recorded on the system by the judicial review case owner.

The case owner of any case or issue where a decision is being appealed is automatically included as a user role on the judicial review. This user is responsible for implementing judicial review decisions.

There are three possible types of case participants: the appellant, the respondent, and any hearing representatives. A hearing representative might be a legal attorney hired to represent the appellants at the hearing. If a hearing representative charges a fee, the organization must approve it before it is paid to the representative.

## Appeal Lifecycle

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The appeal lifecycle for all three appeal types begins with an appeal request, which can be received by hardcopy, phone, email, or online. After an appeal is created, the appeal goes through a series of stages, depending on the appeal type. Each of these stages plays a different role in managing the items that are considered under the appeal.

### Online Appeal Requests

In addition to the traditional hardcopy methods of requesting an appeal, Cúram provides an appeal request feature that allows citizens to submit appeal requests online. A task is generated internally instructing the appeals worker to review the appeal request and create an appeal. A message is sent back to the citizen account to notify the citizen of the status of the appeal request.

#### Online Appeal Requests Lifecycle

The online appeal request lifecycle process flow consists of a number of steps.

##### 1. Submitting an Appeal Request

Any participant on a Cúram application or case who has a citizen account can submit an appeal request online. Details such as appellants, item being appealed, and reason for appeal are captured by using an IEG script that can be configured according to the agency's specific requirements. On

submission, the appeal request is displayed on the citizen account, along with a status value indicating where the appeal request is, in terms of its processing by the agency.

## 2. Reviewing an Appeal Request

On submission of the appeal request from the citizen account, an appeal request record is created in the Issues and Proceedings tab on the primary appellant's person record. The appeal request details are stored in PDF format on this record. A task is then generated to the appeals worker work queue. This uses a workflow that can be configured to send the task to the work allocation target that best suits the agency's requirements. The task instructs the user to review the received request and create an appeal to manage the subsequent processing.

## 3. Associating an Appeal Request with an Appeal

As part of creating an appeal, the user can associate any relevant online appeal requests with the appeal being created and the request is then displayed from the appeal itself. This provides traceability from the appeal back to the originating request.

## 4. Communicating with the Citizen

In addition to the standard appeal notices that are sent to all appellants, two messages are sent to the citizen account when an appeal request results in an appeal:

- An appeal acknowledgment to indicate that the appeal request was received and an appeal was created.
- If the appeal is later rejected, an appeal request denial message is sent to the citizen.

## 5. Appeal Request Status

The status values used to track the appeal request throughout its lifecycle:

### **Appeal Request Received**

The appeal request was submitted online but an appeal case was not yet created by an internal agency worker.

### **Appeal Under Consideration**

The appeal request was associated with an appeal case.

### **Appeal Accepted**

The appeal was processed and decided in favor of the appellant.

### **Appeal Denied**

The appeal was processed and decided in favor of the respondent.

### **Appeal Accepted in Part**

The appeal was processed and at least one item under appeal appealed was decided in favor of the appellant.

### **Appeal being Reconsidered**

The appeal was remanded and is now being reviewed.

## **Hearing Appeal Type Lifecycle**

The hearing appeal lifecycle begins with the creation of the hearing appeal. Once the hearing appeal is created, additional *items under appeal* can be added. Each of these items under appeal must be approved before a hearing can be scheduled and managed as part of the appeal.

Each hearing scheduled for the hearing appeal has its own lifecycle which includes scheduling the hearing, inviting attendees to the hearing, and completing the hearing.

The hearing appeal lifecycle and scheduled hearing lifecycle merge when a decision is entered for the hearing appeal. Like the hearing appeal, each decision has its own lifecycle that is managed as part of the hearing appeal. When the hearing is completed, the decision reached at the hearing is documented and is attached to the hearing case. The decision reached at the hearing is also entered for each item being appealed on the hearing case. Based on the decisions entered for each item under appeal, an overall decision is determined automatically. The decision is then submitted for approval where it can be either approved or rejected. Approved decisions must then be implemented by the case owner of the original case or issue that gave rise to the appeal.

Hearing appeals can be canceled at any stage of hearing appeal processing. Additionally, a canceled hearing appeal can be reopened if good reason is established.

### **Creating a Hearing Appeal Type**

The first step in the hearing appeal lifecycle is hearing case creation. This process defines the item under appeal, the appellant and respondent for the appeal, and the appeal details.

A hearing appeal is first created to appeal one or more decisions on the item under appeal. Any number of additional items can be added to the new hearing appeal. Adding one of these items to the hearing appeal means that you want the item to be considered at the hearing held for the hearing appeal case. Each additional item that is added to the hearing appeal can potentially be owned by a different appellant.

Note that hearing appeals can only be created on issues cases that have an approved resolution. For information on issue resolutions, see the *IBM Cúram Issue Management Guide*.

When creating a hearing appeal, the user specifies the appellant for the appeal, the respondent for the appeal, and the appeal details. Appeal details include the estimated level of difficulty for the appeal, the reason for the appeal, any emergency associated with the appeal, for example, threatened eviction, whether or not the appellant wants to continue benefits for the duration of the appeal, and important dates. The date the appeal request was received by the organization is recorded. If the hearing appeal case is created for an item under appeal, the date the decision on the original case being appealed became effective is specified. If the hearing case is created for an issue case, the date that the resolution for the issue was approved is recorded.

The user has the option of sending a receipt notice to the appellant. The receipt notice acknowledges that the appeal has been created. If there are multiple appeal requests for the appeal, i.e., if multiple items have been added to the appeal, the user can generate a single appeal notice that acknowledges receipt of all the appeal requests. This notification is sent to each appellant on the hearing case appeal.

### **Approving a Hearing Appeal Type**

The second stage in the hearing case lifecycle is hearing appeal approval. The purpose of this stage is to verify that a hearing can be scheduled for the item under appeal. During this stage, each appealed item linked to the hearing appeal case is either approved or rejected, typically by a hearing case supervisor.

If multiple cases are part of the hearing appeal, each one of these appealed cases must be approved. Only approved appealed cases will be considered at the hearing scheduled for the hearing case.

The status of the hearing appeal is based on the status of the item under appeal. If an appealed item on a hearing appeal is approved, the status of the hearing appeal case is also approved. Note, however, if there are multiple items under appeal and one of those is rejected on a hearing appeal case is set to rejected, the hearing appeal status remains open.

Note that issues added to the hearing case appeal do not require approval.

### **Hearing Lifecycle**

After the hearing appeal case is approved, the hearing lifecycle commences. The hearing lifecycle consists of all the steps leading up to the hearing from scheduling the hearing through to the completion of the hearing. This hearing is presided over by a hearing official who is a user within the organization and had no part in either the original decision or in any prior appeal. The hearing official is responsible for making a decision on the appeal after the hearing.

A hearing must be scheduled and completed before a decision can be entered for the hearing appeal case. Additionally, hearings managed as part of a hearing case can be rescheduled, continued, or adjourned.

Each stage in the hearing lifecycle includes a set order of functionality, as described below.

### **Scheduling a Hearing for a Hearing Appeal Type**

The first stage in the hearing lifecycle is scheduling the hearing. If the hearing appeal has one appellant, four types of hearing can be scheduled: a telephone hearing, a home hearing scheduled at the appellant's home, a location hearing scheduled at an organization location, and a desk-based hearing where the

hearing official makes a decision on the hearing appeal based solely on statements and evidence provided by the case participants. If the hearing appeal has multiple appellants, only location and desk-based hearings are available as scheduling options when scheduling the hearing.

Scheduling telephone, home, and location hearings requires that relevant information is maintained for the hearing. For example, hearings to be held in an appellant or respondent's home require the appropriate address information.

For all scheduled hearings, a notice is sent to all case participants required to attend the hearing notifying them that the hearing will be taking place. This notice includes the date by which statements must be received in order for them to be considered. Home, phone, and location hearings also require that relevant user attendees are invited to the hearing. Each user's attendance can be updated once the hearing is held. Additionally, users can be removed from the attendance list which effectively un-invites them from the hearing.

As all hearings for hearing appeals are presided over and decided by a hearing official, the main part of scheduling a hearing is to select an available hearing official. Hearing officials can be selected by entering a date and checking hearing official availability for that date or by having the system automatically search for the next date where hearing officials are available. Automatic scheduling is available for all hearing types except desk-based hearings. The desk-based hearing is held at the discretion of the hearing official. There are no other hearing attendees and hearing transcriptions cannot be requested. For location hearings, the system automatically searches for the next date where a user and a specified location are available.

### **Completing a Hearing for a Hearing Appeal Type**

The final step in the hearing lifecycle is completing the hearing. The purpose of this stage is to verify that a decision is available for the hearing. This step occurs when the hearing official marks the hearing as completed and enters information regarding the hearing attendance for each attendee present at the hearing. If the hearing official records absent attendees, the hearing appeal case can be reopened in the future. Also, attendance information is used to determine whether payment should be made to any representatives attending the hearing.

### **Rescheduling a Hearing for a Hearing Appeal Type**

A hearing can be rescheduled due to scheduling conflicts within the organization. This includes conflicts with the hearing date, time, or location, e.g., if the hearing location is unavailable. Hearings can only be rescheduled by the organization and not at the request of a case participant. Case participants must request a continuance.

When a hearing is rescheduled, the system copies all the participant and user information to the rescheduled hearing. Any transcription requests will also be copied over. All hearing participants that are required to attend the hearing are notified of the rescheduled hearing. The system sends hearing schedule notices to the hearing participants provided there is sufficient time to send correspondence. If the hearing is desk-based, a task is assigned to the hearing official to complete the rescheduled hearing. The hearing case participants are notified of the new statement submission date.

### **Continuing a Hearing for a Hearing Appeal Type**

A continuation is the postponement of a hearing to a later date. For example, a scheduled hearing may be postponed if one of the case participants is unable to attend due to illness. Hearings can only be continued before the scheduled date of the hearing. Another hearing must then be scheduled before the hearing case can proceed to the next stage in its lifecycle. When a hearing is continued, continuance notices are sent to all case participants informing them of the continued hearing.

### **Adjourning a Hearing for a Hearing Appeal Type**

An adjournment is the postponement of a hearing while the hearing is in session. For example, a hearing may be adjourned to allow an appellant more time to gather evidence. The hearing official adjourns the hearing. The hearing scheduler records information regarding the adjournment. This includes recording the reason for the adjournment and the attendance for the hearing.

A task is assigned to the hearing scheduler to schedule a new hearing.

Since there is no concept of "in session" for desk-based hearings, these hearings cannot be adjourned.

When a hearing is adjourned, hearing adjournment notices are sent to all case participants informing them of the adjourned hearing.

### **Hearing Appeal Type Decision Lifecycle**

After the hearing is completed for the hearing case, the hearing appeal case decision lifecycle commences. A hearing appeal decision marks whether the appeal has been accepted or rejected. For appeals with multiple decisions, the hearing case decision indicates whether or not a resolution has been successfully entered for each item under appeal considered at the hearing.

Once a hearing is completed, a resolution or multiple resolutions are entered based on that hearing. A decision document can be attached to the hearing case to document the items considered at the hearing and the resolutions reached for each. The system automatically determines the overall hearing appeal decision based on a combination of the resolutions entered for each item under appeal. This starts the hearing appeal decision lifecycle.

The hearing appeal decision must be approved or rejected. The approval of a hearing appeal decision verifies that the hearing resolutions are to be implemented. The rejection of a hearing appeal decision indicates that the original case decision is upheld. The final stage in the hearing appeal decision lifecycle is the implementation of the appeal decisions.

### **Entering a Hearing Appeal Type Decision**

When the hearing is completed for the hearing case, the hearing official must enter a resolution for each of the items under appeal. The overall decision for the hearing appeal case is determined by the system based on a combination of the resolutions for each of the items being appealed.

The four possible resolutions are accepted, remanded, not decided, and rejected. An accepted resolution indicates that the appeal on the decision has been accepted and the appropriate action must be taken on the original item under appeal. A remanded resolution indicates that the appeal is being reviewed by the organization. A not decided resolution indicates that no decision has been made for the appeal. A rejected resolution indicates that the appeal has been rejected and the decision on the original case is upheld.

The hearing official attaches or creates a decision document which describes the issues and resolutions. This processing is described in the next section.

An overall hearing appeal case decision is then entered which verifies that a resolution has been reached for all the items considered. This marks the end of the first stage in the hearing appeal decision lifecycle.

### **Attaching a Decision Document**

A decision document is recorded for the hearing appeal decision detailing the items considered and the decisions reached at the hearing. If multiple decisions have been reached at the hearing, there may be a number of decision documents recorded for the hearing case decision.

External decision documents can be recorded by specifying a document reference and document location, or by attaching a document.

Alternatively, an internal decision document based on an Microsoft Word template can be created. This template provides a blueprint in terms of layout and content.

Data that can be automatically added to the template include the following: the organization name and address, the appellant name and address, hearing and decision dates, the hearing official name, the overall decision, and a list of issues and resolutions.

Changes made to the decision document can also be made to the template itself.

Support is provided to maintain a list of the organization's appeal clauses. Appeal clauses describe the precedents for the decision and the legal articles that affect it. These clauses can be dynamically inserted into a number of decision documents, if necessary.

### **Approving a Hearing Appeal Type Decision**

The overall hearing appeal decision is approved before the hearing resolutions are implemented.

The hearing official submits a hearing appeal decision for approval. The hearing appeal decision is then approved or rejected by the senior hearing official. If the hearing official has decision approval rights as part of his or her security profile, or if the senior hearing official submits the hearing appeal decision, the decision is automatically approved.

Hearing appeal decisions submitted for approval have a status of submitted; approved hearing case decisions have a status of approved.

If the hearing appeal decision is rejected, its status returns to open. The hearing appeal decision must be resubmitted to progress in the lifecycle.

Once the hearing appeal decision is approved or rejected, the hearing appeal deadline task is completed and the hearing appeal is automatically closed by the system.

### **Implementing Accepted Decisions**

The final stage in the hearing appeal decision lifecycle is the implementation of each accepted decision resolution. The system creates a task and assigns it to the case owner of each item under appeal to implement the decision for the appeal.

Accepted decisions require the item under appeal case owner to override the original item under appeal decision to reflect the appeal decision. There are three ways to do this: the owner can override the evidence recorded, override the eligibility decision on the case, or override the payment details on the case.

Hearing appeal decisions with a resolution of rejected, remanded, or not decided do not require the owner to override evidence, eligibility, or payment details, as the decision reached on the appeal is to uphold these details. If the hearing appeal resolution is remanded, the system notifies the hearing appeal case owner and the case owner informing them that a new appeal case must be created to reconsider the case.

Once the decision resolution has been implemented on the case, the hearing appeal process is complete.

### **Canceling a Hearing Appeal Type**

A hearing appeal case can be canceled at any stage of processing. For example, a hearing appeal may be canceled if the appellant withdraws the appeals hearing request. If there is a scheduled hearing for the hearing case, this is also canceled and all relevant participants of the hearing are notified.

### **Reopening a Hearing Appeal Type**

A closed hearing appeal can be reopened if an appellant, respondent, or third party who was required to attend the last completed hearing for the hearing case did not attend the hearing. It will only be reopened for parties with good reason for their non-attendance. A hearing appeal cannot be reopened in any other circumstance.

### **Hearing Appeal Type Statuses**

There are three separate hearing appeal case statuses, one for each of the lifecycles: hearing appeal case statuses, hearing statuses, and hearing appeal decision statuses.

### **Hearing Appeal Status History**

A hearing appeal status history is maintained for a hearing appeal case throughout its lifecycle. This provides information on the stages a hearing appeal goes through.

The following table describes the hearing appeal case statuses in full:

This table describes the statuses a hearing case can have.

<i>Table 1: Hearing Case Statuses</i>	
<b>Status</b>	<b>Description</b>
Open	A hearing appeal status is "open" when the hearing appeal case is first created on the system. Rejecting and reopening a hearing appeal causes its status to revert to "open".
Active	A hearing appeal case status is "active" when a hearing has been scheduled for the appeal.
Canceled	A hearing appeal case status is "canceled" if the hearing appeal case is canceled.
Approved	A hearing appeal case status is "approved" when the hearing appeal case is approved by an authorized user.
Delayed Process Pending	A hearing appeal case status is "delayed process pending" when the system is running an online process. Delayed processing allows work to continue without having to wait for online processing to complete.
Closed	A hearing appeal case is "closed" when a decision on the hearing appeal case has been approved or rejected. The system automatically closes the hearing appeal case and sends a task instructing the owner of the original item under appeal to implement the decision.

### **Hearing Statuses**

Each hearing that is scheduled for a hearing appeal case goes through several stages during its lifecycle. The hearing status reflects the stage of the hearing.

The following table describes the hearing statuses in full:

This table describes the statuses that a hearing can have.

<i>Table 2: Hearing Statuses</i>	
<b>Status</b>	<b>Description</b>
Scheduled	A hearing status is "scheduled" when a hearing is scheduled for a hearing appeal case. Note that only one hearing can exist on a hearing case with a status of "scheduled" at the one time.
Completed	A hearing status is "completed" when a hearing for a hearing appeal case has been held and is complete.
Adjourned	A hearing status is "adjourned" when a hearing for a hearing appeal case has been adjourned while in session.
Continued	A hearing status is "continued" when a hearing for a hearing appeal case has been postponed to a later date. When a hearing is continued, another hearing must be scheduled for the hearing to progress to the next stage in its lifecycle.
Canceled	A hearing status is "canceled" when the scheduled hearing for a hearing appeal case is canceled.

### **Hearing Appeal Type Decision Statuses**

Each hearing appeal decision goes through several stages during its lifecycle. The hearing appeal decision status reflects the stage of the hearing appeal case decision.

The following table describes the hearing case decision statuses in full:

This table describes the statuses a hearing case can have.

<i>Table 3: Hearing Case Decision Statuses</i>	
<b>Status</b>	<b>Description</b>
Not Started	A hearing appeal decision status is "not started" when no decision exists on the hearing appeal case.
In Progress	A hearing appeal decision status is "in progress" when a decision exists for the hearing appeal case but it has not yet been approved.
Submitted	A hearing appeal decision status is "submitted" when it is submitted for approval.
Approved	A hearing appeal decision status is "approved" when the decision is approved by an authorized user.
Rejected	A hearing appeal decision status is "rejected" when the hearing appeal case decision is rejected by an authorized user.

### **Hearing Review Appeal Type Lifecycle**

The hearing review lifecycle begins with the creation of the hearing review appeal. Once the hearing review is created, it must be approved before a hearing can be scheduled.

The hearing that is held for the hearing review has its own lifecycle, which includes scheduling the hearing, inviting attendees to the hearing, and completing the hearing.

The hearing review lifecycle and hearing lifecycle merge when a decision is entered for the hearing. Like the hearing appeal type, each decision has its own lifecycle that is managed as part of the hearing review. When the hearing is completed, the decision that is reached at the hearing is entered on the hearing review and a decision document is attached to the hearing review. The decision is then approved or rejected. Approved decisions must then be implemented.

Hearing reviews can be canceled at any stage of hearing case processing.

#### **Creating a Hearing Review Appeal Type**

The first stage in the hearing review lifecycle is hearing review creation. This stage defines the decision that is being appealed, the appellant and respondent for the appeal, and the appeal details.

Like hearing appeal cases, a hearing review appeal can be created to appeal decisions on items under appeal. More denied items can be added to the new hearing review. Adding one of these items to the hearing review means that you require this item to be considered at the hearing that is held for the hearing review.

Each additional item that is added to the hearing review can potentially be owned by a different appellant.

Note that hearing review appeals can only be created on issue cases that have an approved resolution. For information on issue resolutions, see the *IBM Cúram Issue Management Guide*.

The user then specifies the appellant for the appeal, the respondent for the appeal, and the appeal details such as the estimated level of difficulty for the appeal, the reason for the appeal, any emergency associated with the appeal, for example, threatened eviction, whether the appellant wants to continue benefits during the appeal, and important dates.

The date the appeal request was received by the organization is recorded. If the hearing review is created for an item under appeal, the date that the decision on the original item under appeal became effective is specified. If the hearing review is created for an issue case, the date that the resolution for the issue case was approved is recorded.

The user has the option of sending a receipt notice to the appellant. The receipt notice acknowledges that the appeal has been created. If there are multiple appeal requests for the appeal, that is, if multiple cases

have been added to the appeal, the user can generate a single appeal notice that acknowledges receipt of all the appeal requests. This notification is sent to each appellant on the hearing review.

### **Approving a Hearing Review Appeal Type**

The second stage in the hearing review lifecycle is hearing approval. The purpose of this stage is to verify that a hearing can be scheduled for the hearing review. During this stage, each appealed item that is linked to the hearing review is either approved or rejected, typically by a hearing review supervisor. If multiple items are under appeal in the hearing review appeal, each one of these appealed items must be approved. Only the approved items under appeal are considered at the hearing scheduled for the hearing review. The status of the hearing review is based on the status of the item under appeal. If an appealed item on a hearing review is approved, the status of the hearing review is also approved. Note, however, if there are multiple items under appeal and one of those is set to rejected, the hearing review appeal status remains open.

Note that issues added to the hearing review appeal do not require approval.

### **Hearing Lifecycle for a Hearing Review Appeal Type**

After the hearing review is approved, the hearing lifecycle commences. The hearing lifecycle for a hearing review consists of all the stages leading up to the hearing from scheduling the hearing through to completion of the hearing.

A hearing for a hearing review is presided over by hearing reviewers who are users within the organization and had no part in either the original decision or prior appeal. Hearing reviewers are responsible for making a decision on the appeal after the hearing.

A hearing must be scheduled and completed before a decision can be entered for the hearing review. Additionally, hearings managed as part of a hearing review can be rescheduled, continued, or adjourned.

Each stage in the review hearing lifecycle includes a set order of functionality.

### **Scheduling a Hearing for a Hearing Review**

The first stage in the hearing lifecycle is to schedule the hearing.

A hearing must be scheduled and completed before a decision can be entered for the hearing case. Additionally, hearings managed as part of a hearing case can be rescheduled, continued, or adjourned.

As hearings for hearing reviews are presided over by hearing reviewers, the main part of scheduling a hearing is to select the available hearing reviewers. Hearings that are held for a hearing review require a minimum number of hearing reviewers to officiate at the hearing. The number of reviewers is configured by the organization. Hearing reviewers can be selected by entering a date and checking hearing reviewer availability for that date or by having the system automatically search for the next date where a sufficient number of hearing reviewers are available.

### **Completing a Hearing for a Hearing Review**

The final stage in the hearing lifecycle is the completion of the hearing. The purpose of this stage is to verify that a decision is available for the hearing. This stage occurs when a hearing reviewer marks the hearing as completed and enters information regarding hearing attendance for each appellant. Attendance information can be used to determine whether payment should be made to any representatives attending the hearing.

### **Rescheduling a Hearing for a Hearing Review**

A hearing for a hearing review can be rescheduled due to scheduling conflicts within the organization. This includes conflicts with the hearing date, time, or location, e.g, if the hearing location is unavailable. Hearings can only be rescheduled by the organization and not at the request of a case participant. Case participants must request a continuance.

When a hearing is rescheduled, the system copies all the participant and user information to the rescheduled hearing. Any transcription request will also be copied over. All hearing participants are notified of the rescheduled hearing.

## **Continuing a Hearing for a Hearing Review**

A continuation is the postponement of a hearing to a later date. For example, a scheduled hearing may be postponed if one of the case participants is unable to attend due to illness. Hearings can only be continued before the scheduled date of the hearing. Another hearing must then be scheduled before the hearing can proceed to the next stage in its lifecycle. When a hearing is continued, continuance notices are sent to all case participants informing them of the continued hearing.

## **Adjourning a Hearing for a Hearing Review**

An adjournment is the postponement of a hearing while the hearing is in session. For example, a hearing may be adjourned to allow the hearing reviewers more time to gather evidence. The hearing reviewers adjourn the hearing. The hearing scheduler records information regarding the adjournment. This includes the attendance for the adjourned hearing.

When a hearing is adjourned, hearing adjournment notices are sent to all case participants informing them of the adjourned hearing.

## **Hearing Review Appeal Type Decision Lifecycle**

After the hearing for a hearing review is completed, the hearing review decision lifecycle commences. A hearing review decision marks whether the appeal has been accepted or rejected.

For appeals with multiple decisions, the hearing review decision indicates whether or not a resolution has been successfully entered for each case or issue decision considered at the hearing.

Once a hearing is completed, a resolution or multiple resolutions are entered based on that hearing. A decision document can be attached to the hearing review to document the denied item that was considered at the hearing and the resolutions reached for each. The system automatically determines the overall hearing review decision based on the resolutions entered for each item under appeal. This starts the hearing review decision lifecycle.

The hearing review decision must be approved or rejected. The approval of a hearing review decision verifies that the hearing resolutions are to be implemented. A rejected resolution indicates that the appeal has been rejected and the decision on the original item under appeal is upheld. The final stage in the hearing review decision lifecycle is the implementation of the appeal decisions.

## **Entering a Hearing Review Decision**

When the hearing is completed for the hearing review, the hearing official must enter the hearing review decision. The decision is based on the resolutions for each of the items under appeal.

The four possible resolutions are accepted, remanded, not decided, and rejected. An accepted resolution indicates that the appeal on the item under appeal has been accepted and the appropriate action must be taken on the original items under appeal. A remanded resolution indicates that the appeal is being reviewed by the organization. A not decided resolution indicates that no decision has been made for the appeal. A rejected resolution indicates that the appeal has been rejected and the decision on the original item under appeal is upheld.

The hearing reviewer attaches or creates a decision document which describes the items being appealed and their resolutions. This processing is described in the next section.

An overall hearing review decision must be entered which verifies that a resolution has been reached for all the items considered on the appeal. This marks the end of the first stage in the hearing review decision lifecycle.

## **Attaching a Decision Document**

A decision document is recorded for the hearing review decision detailing the appealed items considered and the decisions reached at the hearing. If multiple decisions have been reached at the hearing, there may be a number of decision documents recorded for the hearing review decision.

External decision documents can be recorded by specifying a document reference and document location, or by attaching a document.

Alternatively, an internal decision document based on an Microsoft Word template can be created. This template provides a blueprint in terms of layout and content.

Data that can be automatically added to the template include the following: the organization name and address, the appellant name and address, hearing and decision dates, the hearing reviewer name, the overall decision, and a list of issues and resolutions.

Users can also save changes made to the decision document to the template itself.

Support is provided to maintain a list of the organization's appeal clauses. Appeal clauses describe the precedents for the decision and the legal articles that affect it. These clauses can be dynamically inserted into a number of decision documents, if necessary.

### **Approving a Hearing Review Decision**

The overall hearing review decision is approved before the hearing resolutions are implemented.

The hearing reviewer submits a hearing review decision for approval. The hearing review decision is then approved or rejected by the senior hearing reviewer. If the hearing reviewer has decision approval rights as part of his or her security profile, or if the senior hearing reviewer submits the hearing review decision, the decision is automatically approved.

Hearing review decisions submitted for approval have a status of submitted; approved hearing review decisions have a status of approved.

If the hearing review decision is rejected, its status returns to open. The hearing review decision must be resubmitted to progress in the lifecycle.

Once the hearing review decision is approved or rejected, the hearing review appeal deadline task is completed and the hearing review is automatically closed by the system.

### **Implementing Accepted Decisions**

The final stage in the hearing review lifecycle is the implementation of each accepted decision resolution. The system creates a task and assigns it to the case owner of each related case or issue to implement the decision for the appeal.

Accepted decisions require the case owner to override the original case or issue decision to reflect the appeal decision. There are three ways to do this: the case owner can override the evidence recorded on the case or issue, override the eligibility decision on the case, or override the payment details on the case.

Hearing review decisions with a resolution of rejected, remanded, or not decided do not require the owner of the originating item under appeal to override evidence, eligibility, or payment details, as the decision reached on the appeal is to uphold these details. If the hearing review resolution is remanded, the system notifies the hearing review owner and the owner of the item under appeal informing them that a new appeal must be created to reconsider the denied item under appeal.

Once the decision resolution has been implemented on items under appeal, the hearing review appeals process is complete.

### **Canceling a Hearing Review Appeal Type**

A hearing review can be canceled at any stage of hearing review processing. For example, a hearing review may be canceled if the appellant withdraws the appeal request. If there is a scheduled hearing for the hearing review, this is also canceled and all relevant participants of the hearing are notified.

### **Hearing Review Statuses**

There are three separate hearing review statuses, one for each of the lifecycles: hearing review statuses, hearing statuses, and hearing review decision statuses.

### **Hearing Review Status History**

A hearing review status history is maintained for a hearing review throughout its lifecycle. This provides information on the stages a hearing review goes through.

The following table describes the hearing review statuses in full:

This table describes the statuses a hearing review can have.

<b>Status</b>	<b>Description</b>
Open	A hearing review status is "open" when the hearing review is first created on the system. Rejecting a hearing review will cause its status to revert to "open".
Active	A hearing review status is "active" when a hearing has been scheduled for the hearing review.
Canceled	A hearing review status is "canceled" if the hearing review is canceled.
Approved	A hearing review status is "approved" when the hearing review is approved by an authorized user.
Delayed Process Pending	A hearing review status is "delayed process pending" when the system is executing an online process. Delayed processing allows work to continue without having to wait for online processing to complete.
Closed	A hearing review is "closed" when a decision on the hearing review has been approved or rejected. The system automatically closes the hearing review and sends a task instructing the owner of the original item under appeal to implement the decision.

#### **Hearing Statuses for a Hearing Review**

Each hearing scheduled for a hearing review goes through several stages during its lifecycle. The hearing status reflects the stage of the hearing.

The following table describes the hearing statuses for a hearing review in full:

This table describes the statuses a hearing for a hearing review can have.

<b>Status</b>	<b>Description</b>
Scheduled	A hearing status is "scheduled" when a hearing is scheduled for a hearing review. Note that only one hearing can exist on a hearing review with a status of "scheduled" at the one time.
Completed	A hearing status is "completed" when a hearing for a hearing review has been held and is complete.
Adjourned	A hearing status is "adjourned" when a hearing for a hearing review has been adjourned while in session.
Continued	A hearing status is "continued" when a hearing for a hearing review has been postponed to a later date. When a hearing is continued, another hearing must be scheduled for the hearing to progress to the next stage in its lifecycle.
Canceled	A hearing status is "canceled" when the scheduled hearing for a hearing review is canceled.

## Hearing Review Decision Statuses

Each hearing review decision goes through several stages during its lifecycle. The hearing review decision status reflects the stage of the hearing review decision.

The following table describes the hearing review decision statuses in full:

This table describes the statuses a hearing can have .

Status	Description
Not Started	A hearing review decision status is "not started" when no decision exists on the hearing review.
In Progress	A hearing review decision status is "in progress" when a decision exists for the hearing review but it has not been submitted for approval.
Submitted	A hearing review decision status is "submitted" when it is submitted for approval.
Approved	A hearing review decision status is "approved" when the decision is approved by an authorized user.
Rejected	A hearing review decision status is "rejected" when the hearing review decision is rejected by an authorized user.

## Judicial Review Appeal Type Lifecycle

Judicial review processing occurs outside the system. There are no hearings held and the decision is reached outside the organization and therefore does not get approved on the system.

The lifecycle for judicial reviews involves the steps taken to record judicial review details. The first stage is the creation of the judicial review. As part of judicial review creation, the court is petitioned. Also, if the appellant is not the organization, the transcript of the original hearing is forwarded to the appellants either automatically or at their request.

Any decision reached on the judicial review is recorded on the system. The original owner of the item under appeal is instructed to implement this decision. The judicial review case is then closed.

A judicial review can be canceled at any stage of the judicial review processing.

### Creating a Judicial Review and Petitioning the Court

A judicial review is first created to appeal decisions on a denied item. Additional denied items can be added to the new judicial review. Adding another item to a judicial review means that you require this to be considered at the hearing held for the judicial review. Each additional item that is added to the hearing case can potentially be lodged by a different appellant.

Note that judicial review appeals can only be created on issues cases that have an approved resolution. For more information about issue case resolutions, see the *IBM Cúram Issue Management Guide*.

When creating a judicial review, the user specifies the appellant for the appeal, the respondent for the appeal, and the appeal details. Appeal details include the estimated level of difficulty for the appeal, the reason for the appeal, any emergency associated with the appeal, for example, threatened eviction, whether or not the appellant wants to continue benefits for the duration of the appeal, and important dates. The date the appeal request was received by the organization is recorded. If the judicial review is created for a denied item, the date the decision on the original item being appealed became effective is specified. If the judicial review is created for an issue case, the date that the resolution for the issue was approved is recorded.

If the organization is the appellant, the judicial review case owner can request that the system prints off a court petition as part of the appeal creation process. The court petition can be attached to the judicial review appeal. The petition can then be completed and sent to the court.

If the organization is not the appellant, the judicial review case is created after the court notifies the organization that the appellant has petitioned for an appeal. Notification that the judicial review appeal case has been created is sent to the case participant.

### **Providing a Hearing Transcription**

One requirement for judicial review appeals is the provision of a hearing transcription. This is the transcription from the hearing for a prior appeal case. Hearing transcriptions only pertain to judicial reviews that are higher than the first level in the appeals process because there must have been a hearing held in order for the transcription to exist. Additionally, the previous hearing must have been held for either a hearing appeal or hearing review appeal.

### **Recording the Judicial Review Decision**

When the judicial review has been held, a judicial review decision is entered by the judicial review case owner and a decision document or documents attached to the judicial review. Unlike the decisions for other types of appeals the decision for the judicial review is automatically approved. Before the judicial review case decision is entered, the judicial review case owner must enter a decision or resolution for each related appealed item considered at the judicial review. The system automatically determines the overall judicial review decision based on a combination of the resolutions entered for each item under appeal. This starts the judicial review decision lifecycle.

There are four possible resolutions for each item being appealed; accepted, remanded, not decided, and rejected.

An accepted resolution indicates that the appeal has been accepted and the appropriate action must be taken on the original item under appeal. It is up to the original owner to implement the decision resolution. A remanded resolution indicates that the appeal is being reviewed by the organization for reconsideration. A not decided resolution indicates that no decision has been made for the appeal. A rejected resolution indicates that the appeal has been rejected and the decision on the original item under appeal is upheld.

When a resolution has been entered for each item appealed at the judicial review, an overall decision is entered based on an evaluation of the individual resolution. A decision document detailing the decisions is recorded for the judicial review.

Once the judicial review is recorded, the decision document can be attached for the case or issue by attaching a file or specifying a file location and reference.

### **Attaching a Decision Document**

A decision document is recorded for the judicial review detailing the appealed items considered and the decisions reached at the judicial review. If multiple decisions have been reached, there may be a number of decision documents recorded for the judicial review.

External decision documents can be recorded by specifying a document reference and document location, or by attaching the file.

Alternatively, an internal decision document based on a Microsoft Word template can be created. This template provides a blueprint in terms of layout and content.

Data that can be automatically added to the template include the following: the organization name and address, the appellant name and address, hearing and decision dates, the overall decision, and a list of issues and resolutions.

Changes made to the decision document can also be made to the template itself.

Support is provided to maintain a list of the organization's appeal clauses. Appeal clauses describe the precedents for the decision and the legal articles that affect it. These clauses can be dynamically inserted into a number of decision documents, if necessary.

### **Implementing Judicial Review Decisions**

Once the judicial review decision has been recorded, it must be implemented. The system sends a notification to the judicial review case owner that a decision has been made and approved for the appeal.

It is the responsibility of the owner of each item under appeal where a judicial review decision has been made to implement the decision. The system creates a task and assigns it to the owner of each related appealed item to implement the decision for the appeal.

For decisions with a resolution of accepted, the owner must override the denied item decision to reflect the appeal decision.

There are three ways to override the original decision: override the evidence recorded on the item under appeal, override the eligibility decision, or override the payment details if applicable. The owner may override the existing rate of payment on the case with the rate of payment determined by the evidence presented at the completed hearing on the judicial review.

Judicial review decisions with a resolution of rejected, remanded, or not decided do not require the owner to override evidence, eligibility, or payment details as the decision on the original item being appealed is upheld. However, if a judicial review resolution is remanded the system notifies the judicial review owner and the original appealed item owner informing them that a new appeal must be created to reconsider the case.

Once the decision resolution has been implemented on the appealed item, the judicial review appeals process is complete.

### **Closing the Judicial Review**

The final stage in the judicial review lifecycle is judicial review closure. When the judicial review decision is recorded on the system, the judicial review case must be manually closed.

### **Canceling a Judicial Review**

A judicial review can be canceled at any stage of the judicial review processing. For example, a judicial review may be canceled if an appellant withdraws the appeal request. When a judicial review is canceled, the system issues a notification task to the judicial review owner informing them of the judicial review cancellation.

### **Judicial Review Status**

A judicial review status is maintained for a judicial review throughout its lifecycle. This provides information on the stages a judicial review goes through.

The following table describes the judicial review statuses in full:

This table describes the statuses a judicial review can have .

<i>Table 7: Judicial Review Statuses</i>	
<b>Status</b>	<b>Description</b>
Open	A judicial review status is "open" when the judicial review is first created on the system.
Canceled	A judicial review status is "canceled" if the judicial review is canceled.
Delayed Process Pending	A judicial review status is "delayed process pending" when the system is executing an online process. Delayed processing allows work to continue without having to wait for online processing to complete.
Closed	A judicial review status is "closed" when the judicial review case has been closed by an authorized user. A user manually closes the judicial review case and sends a task instructing the owner of the original case to implement the decision.

## Legal Action Process Overview

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A high-level overview of the legal action process and legal petition, legal hearing, and legal order management. Legal actions are managed at the case level. Legal action management typically includes requesting a hearing with a legal petition, conducting the hearing, and making a determination from the hearing. A hearing determination may result in a legal order.

### Example Legal Action Process

For example, an organization receives a report about an abandoned child who is found wandering the streets crying. A caseworker brings the child to the organization office and finds out that his name is Harry and he does not know his father's name. Harry tells the caseworker that he was staying with his mother Kate who left him alone and went out with his uncle. The organization is unable to locate the child's mother. In the process, it locates Harry's aunt who lives in the neighboring state. The aunt is willing to take Harry and the organization deems this to be the most appropriate course of action. The organization submits a temporary custody petition for Aunt Alice with the court. The court schedules a temporary custody hearing for next day as a result of the petition. Both legal actions are recorded by the organization and associated with one another.

The process for managing legal actions is fully flexible and can be customized according to the organization's requirements. For example, a legal order can be created directly from a legal petition without the organization having to create a legal hearing in between.

### Legal Petition

A legal petition is a formal request to the court asking for an order or a ruling on a particular matter involving a participant or the organization.

Legal actions support the creation and tracking of legal petitions. The user selects the category of legal action, i.e., "Petition", and the type of legal petition, for example, "Petition to Transfer" or "Petition to Waive to Adult Court".

Additional information recorded includes the petition number, court location, judge name, petitioner, respondent, creation date, date filed, narrative, and outcome.

The petitioner is the participant who requests action by the court. For example, the petitioner may be a person in custody or a person acting on behalf of the organization. The respondent is the subject of the petition who can respond to the charges or actions requested of the court. Note that the organization can play the role of petitioner or respondent depending on the circumstances of the legal petition. There may also be other participants involved or mentioned as part of the petition. These other participants can be added to the petition as appropriate.

Legal action petitions can be created, modified, or closed. Additionally, other legal actions can be associated with a legal petition. For more information, see [“Legal Action Associations” on page 23](#).

### Legal Hearing

A legal hearing is a legal proceeding held before a judge or other legal authority.

Legal actions support the creation and tracking of legal hearings. The user selects the category of legal action, i.e., "Hearing", and the type of legal action, for example, "Pre-Detention" or "Detention".

Additional information recorded during the hearing creation includes the docket number, court location, judge name, participant, start date, and outcome.

Once a legal hearing has been created, caseworker and court officers can track and manage the progress of the hearing. This includes scheduling the hearing and gathering information. On scheduling a hearing, notices are generated and sent to each participant added to the legal hearing. A number of other activities can be performed during the course of a scheduled hearing. These include the ability to add representatives and witnesses to the hearing, manage rescheduled, canceled or adjourned hearings, as well as finalize the legal hearing based on the decision reached at the scheduled hearing. Once a decision has been captured for the hearing, an overall decision is reached and the hearing legal action may be

closed. The overall decision may result in the creation of a legal order or a request to create another legal petition and file in the court.

Note that the process for managing legal hearings and hearings held for appeals is the same. For more information on managing hearings and decisions for appeals, see [“Hearing Appeal Type Lifecycle”](#) on page 8.

## Legal Order

A legal order is a directive by a court of law regarding a participant. It is generally made in response to an application by the government against an alleged criminal or perpetrator, or in response to a request made on behalf of a participant who is the responsibility of the organization.

Legal actions support the creation and tracking of legal orders. A legal order may be created as a result of a legal hearing, a legal petition or independently. The user selects the category of legal order, i.e., "Order", and the type of legal action, for example, "Detention Order".

There are many types of legal orders. These include detention/sentence orders, temporary custody orders, and adoption orders. A legal order is intended to be for or against a participant.

A legal order contains the details of the decision provided by the judicial officer or the court on a petition or a hearing. For example, it may contain the sentence details or directions to various participants involved.

Additional information recorded during the legal order creation includes the court location, judge name, participant, issue date, effective date, expected end date, and outcome.

Legal orders can be created, modified, or closed. Additionally, other legal actions can be associated with a legal order. For more information, see the section on Legal Action Associations below.

## Legal Action Associations

A legal action can be associated with multiple legal actions. If a legal action is created within another legal action, the system automatically creates an association between the two legal actions. A legal action can be associated with another legal action as a result of a legal action, or for another reason. If two legal actions are associated with one another in error, the relationship between the two legal actions can be removed.

## Appeal Deadlines

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An overview of appeal deadlines that can be set for an appeals process. Appeal deadlines regulate appeals processing according to an organization's implementation of appeals. Appeals include with pre-defined appeals deadlines. These include deadlines for filing appeals, reaching a decision on an appeal, and implementing appeal decisions.

You can set additional interim deadlines for sending correspondence and scheduling hearings.

Appeal deadlines are maintained by a task that escalates if the deadline passes without completion of the defined action.

Also, you can use time constraints to manage the values for these appeal deadlines. The values for these deadlines can be changed by an administrator. For more information about time constraints, see Appeal Administration.

## Deadline for Appealing Original Decision

Once a decision is recorded on an original case or issue, there is a defined time period for appealing that decision. This defined time period is based on the date the appellant's request for an appeal is received by the organization and the effective date of the decision. The organization defines the maximum length of time between the appeal receipt date and the effective date, i.e., the original case or issue decision date. The system compares the appeal request receipt date to the original decision date to determine whether or not the appeal exceeds the maximum time limit. If the time limit does not exceed the maximum period

of time, the appeal is timely. If the time limit exceeds the maximum period of time, the appeal is untimely. Note that the organization determines how to handle untimely appeals.

## **Deadline for Reaching a Decision on an Appeal**

Hearing appeal and hearing review appeals have a deadline for reaching a decision on that appeal.

To implement this deadline, the system issues a task that details the deadline for the overall appeal case. This start date depends on whether there is more than one case related to the appeal.

When there is more than one appealed item related to an appeal, the system looks at the implementation deadline date for each item and determines the earliest of these to be the overall decision deadline date. Even though on their own, the appealed items would have a longer period of time to reach a deadline, as they are part of an overall decision, they fall within the time constraints of the earliest date.

Each related appealed item added to the appeal may potentially result in an earlier deadline date for the appeal case. However, the overall decision deadline for the appeal case is not affected by a new appealed item until it has been approved. At this time if the calculated deadline for the related appealed item results in an earlier decision deadline for the appeal case, the latter is updated and all case participants are notified of the new decision deadline for the appeal.

If no decision is made within the designated deadline, the task is escalated for further action. This includes raising the task priority and reassigning the task to the hearing case or hearing review supervisor.

## **Deadline for Implementing a Decision**

The deadline for implementing a decision determines the period within which appeal decisions must be implemented. This time period starts when an appeal request is received by the organization. Once an appeal decision has been approved, the decision for the appeal case must then be implemented.

When a request for an appeal is added to an appeal case, the system automatically calculates an implementation deadline date for each related case. This implementation date is calculated by adding the appeal receipt date to the time required to reach and implement a decision.

On approval of the decisions, an implementation deadline task is created for each appealed item and assigned to its owner.

If a decision is not implemented by the deadline, the task is escalated for further action. This includes raising the task priority and reassigning the task to the case supervisor or the owner's manager.

The time required to make and implement a decision for the item under appeal is determined using the following time constraints that are set on the underlying application, product or issue appeal process for the case being appealed:

- Decide and implement hearing case
- Decide and implement hearing review case

### **Extending the Deadline for Reaching a Decision**

The deadline for reaching a decision in a hearing appeal or hearing review appeal is automatically extended if a hearing for the appeal is continued, adjourned, or rescheduled. For example, when a hearing is adjourned and then rescheduled for a different date, the decision deadline date for the appeal case is extended to reflect the delay. To determine the updated decision deadline, the system calculates the period of time between the date the hearing is continued or adjourned and the new scheduled hearing date. The system then extends the appeal case decision deadline by the value of the calculated period of time.

## **Deadline for Scheduling a Hearing**

The deadline for scheduling a hearing determines the latest date on which a hearing can be held. This date must allow for sufficient time to reach a decision before the appeal decision deadline. Appeal stage time constraints define the number of days required to schedule the hearing, hold the hearing, and reach

a decision. The schedule hearing deadline is the difference between the appeal decision deadline date and the value of this time constraint.

To ensure that a decision is made within the legislated timeline, an interim deadline task for the scheduling of a hearing is assigned to users with hearing scheduler privileges. This task will have a deadline associated with it. If the overall appeal decision deadline changes due to the approval of an additional request for appeal, the schedule hearing deadline task must reflect this change. This is only necessary in the situation where the appeal decision date has been brought forward. If no hearing is scheduled within the designated deadline, the task is escalated for further action. This includes raising the task priority and reassigning the task to the case supervisor or the hearing scheduler's manager.

## **Deadline for Sending Correspondence**

The appeal case correspondence deadline determines whether or not there is a sufficient amount of time before a scheduled hearing to send correspondence. This deadline is defined by a time constraint that indicates the minimum length of time before the scheduled hearing date required to send out correspondence. To determine the correspondence deadline, the system calculates the period of time between the current date on the system and the scheduled hearing date. The system then subtracts the value of the time constraint from the time period. If this calculation is greater than or equal to zero, the correspondence is sent.

## **Deadline for Submitting Statements**

Appeal statements are only considered at a hearing if copies of the statements have been sent to the relevant case participants. The hearing statement deadline determines whether or not a submitted statement is considered during the scheduled hearing. The reason for this deadline is to ensure that there is enough time for the case participants to receive and review a copy of the statement.

This deadline is defined by a time constraint that indicates the minimum length of time before the scheduled hearing date, that a hearing statement must be received, in order for it to be considered during a hearing. To determine the hearing statement deadline, the system calculates the period of time between the receipt date for a statement and the scheduled hearing date. The system then subtracts the value of the time constraint from this calculation. If the value is greater than or equal to zero, a copy of the hearing statement is sent to the case participants and the statement will be considered at the hearing. For example, if the hearing statement time constraint is set to 7 days, then the receipt date on the hearing statement must be at least 7 days before the scheduled hearing date.

To ensure that all case participants receive statements in a timely manner, a task for submitting these statements is assigned to the appeal case owner.

## **Deadline Extension for Reopened Hearing Case**

When a hearing appeal is reopened, the old appeal decision deadline is extended rather than a new appeal decision deadline being issued. This is the appeal decision deadline for the closed hearing case. When the hearing case is reopened, the system determines the length of time that has lapsed between closure and reopening. The old decision deadline is extended by this amount. A new task is created for the new appeal decision deadline.

## **Appeal Correspondence**

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An overview of the correspondence that can be issued during appeals processing.

### **Appeal Request Receipt Notice**

An "Appeal Request Receipt Notice" is generated for all appeal types informing the appellants that the organization has received the appellant's appeal request and an appeal case has been created. The user has the option of generating a receipt notice which acknowledges that the request for appeal has been received by the organization. The user can generate a single receipt notice or a multiple receipt notice. A single receipt correspondence acknowledges one appeal request. If additional cases have been added to

the appeal, a multiple receipt notice can be generated which acknowledges all of the additional appeal requests. This notification is sent to all appellants on the appeal case. Note that this notice is only sent to appellants that are case participants.

The following information is included in each appeal request receipt notice:

**Appellant Details**

The appellant's name and address is displayed.

**Appeal Case Details**

The appeal case reference number is displayed.

**Issues to be Addressed**

A description of each appealed item to be addressed at the hearing is displayed. This includes the reason for the appeal request, the date the appeal request was received, and date the decision being appealed became effective. The notice also displays whether or not the appellant is to receive benefits according to the amount entered by the appellant in the appeal request. This information is only displayed for appellants that are appealing a decision on a product delivery or issue case.

**Contact Information**

Contact information including the organization name and contact address is displayed.

## Appeal Request Rejection Correspondence

An "Appeal Request Rejection Correspondence" is automatically generated each time a hearing appeal or hearing review appeal request is rejected. It informs the appellant that the organization has rejected the appellant's appeal request. Note that this correspondence is only generated if the appellant is a case participant.

The following information is included on the appeal request rejected correspondence:

**Appellant Details**

The appellant's name and address is displayed.

**Rejection Details**

The following rejection details are displayed: the appeal case reference number, rejected appeal issues, the rejection notice, and the issue date of the rejection.

**Final Date for Written Response**

The final date the appellants can submit a written request for a new appeal is displayed. The final date is a set number of days after the rejection issue date.

**Contact Information**

The following contact information is displayed: the organization name, contact address, and name of the current user sending the rejection correspondence.

## Hearing Notice Correspondence

A "Hearing Notice Correspondence" is automatically generated each time a hearing has been scheduled for a hearing appeal or hearing review case. It informs all case participants that a hearing has been scheduled. Hearing details displayed on the appeal notice differ depending on the appeal type.

**Hearing Notice for a Hearing Appeal**

A hearing notice is automatically generated each time a hearing for a hearing appeal is scheduled. Details displayed on the hearing notice reflect the type of hearing that has been scheduled for the hearing appeal.

**Hearing Notice for Home, Telephone, and Location Hearings**

A hearing notice is automatically generated each time a home, telephone, or location hearing for a hearing case is scheduled or rescheduled.

The following information is included on the hearing notice for hearing cases for home, telephone, and location hearings:

**Correspondence Recipient Details**

The correspondence recipient's name and address are displayed.

**Hearing Appeal Details**

The following hearing appeal details are displayed: the hearing reference number, the requested hearing date, the scheduled hearing date, the scheduled hearing time, the hearing address (home or organization location address), the hearing case number, and appeal issues to be addressed at the hearing. Note that appeal issues refer to items under appeal. Note also that no address is displayed for telephone hearings. The correspondence displays aid status regarding the appellant's continued benefits provided this is the only appealed item on the hearing appeal. However, If there is more than one appealed item associated with the appeal, the hearing notice will not contain aid status information regarding the appellant's continued benefits.

**Instructions**

The following hearing instructions are displayed. For home and location hearings, all parties are instructed to be present at the hearing address. For telephone hearings, the correspondent is instructed to contact the organization to provide the telephone number. If a party cannot attend, the party must request an adjournment.

**Contact Information for Continuance**

Contact information for continuing the hearing is displayed including the organization name and organization.

**Correspondence Deadline for Hearing Absence**

If the appellants or representative are late or absent from the hearing, there is a set deadline for requesting a hearing restoration. This deadline is displayed. This deadline only applies to home, phone, and location hearings.

**Hearing Statement Deadline**

The final date for submitting a hearing statement is displayed.

**Information for Canceling Appeal Request**

For the appellant, information for canceling the appeal request is displayed. The appellant signs and dates the correspondence and mails the cancellation request to the organization name and address displayed.

**Hearing Notice for a Desk Based Hearing**

A hearing notice is automatically generated each time a desk-based hearing for a hearing appeal is scheduled or rescheduled. There are no hearing instructions displayed on a desk-based hearing notice because there is no hearing to be attended by the case participants. Desk-based hearings cannot be continued so no contact information for continuing the hearing is displayed on a desk-based hearing notice.

The following information is included on the hearing notice correspondence for a desk-based hearing:

**Correspondence Recipient Details**

The correspondence recipient's name and address are displayed.

**Hearing Case Details**

The following hearing appeal details are displayed: the hearing reference number, the hearing case number, and appeal issues to be addressed at the hearing. Note that appeal issues refer to denied items under appeal. The correspondence displays aid status regarding the appellant's continued benefits provided this is the only appealed product delivery case or issue case on the hearing appeal. However, If there is more than one item under appeal associated with the appeal, the hearing notice will not contain aid status information regarding the appellant's continued benefits.

**Hearing Statement Deadline**

The final date for submitting a hearing statement is displayed.

**Information for Canceling Appeal Request**

For the appellant, information for canceling the appeal request is displayed. The appellant signs and dates the correspondence and mails the cancellation request to the organization name and address displayed.

## **Hearing Notice for a Hearing Review**

A hearing notice is automatically generated each time a hearing for a hearing review is scheduled or rescheduled.

The following information is included on the hearing notice correspondence for a hearing review:

### **Correspondence Recipient Details**

The correspondence recipient's name and address are displayed.

### **Hearing Review Details**

The following hearing review details are displayed: the review hearing reference number, the requested review hearing date, the scheduled review hearing date, the hearing review case number, and the appeal issues to be addressed at the review hearing. Note that appeal issues refer to items under appeal. The correspondence displays aid status regarding the appellant's continued benefits provided this is the only appealed item on the hearing review appeal. However, If there is more than one appealed item associated with the appeal, the hearing notice will not contain aid status information regarding the appellant's continued benefits.

### **Instructions**

Review hearing instructions are displayed. If a party cannot attend, the party must request an adjournment.

### **Contact Information for Continuance**

Contact information for continuing the hearing is displayed including the organization name and organization address.

### **Hearing Statement Deadline**

The final date for submitting a hearing statement is displayed.

### **Information for Canceling Appeal Request**

For hearing review hearings where the organization is not the appellant, this correspondence displays information for the appellant to cancel the appeal request. The appellant signs and dates the correspondence and mails the cancellation request to the organization name and address displayed.

## **Hearing Adjournment Correspondence**

A hearing adjournment correspondence is automatically generated when a hearing is adjourned. This correspondence informs all hearing case participants that an adjournment has been granted for a scheduled hearing.

The following information is included on the hearing adjournment correspondence:

### **Correspondence Recipient Details**

The correspondence recipient's name and address are displayed.

### **Adjournment Details**

The following adjournment details are displayed: the date the hearing is adjourned and the reason for the adjournment.

### **Hearing Official/Hearing Reviewer Name**

The name of the hearing official or hearing reviewer who adjourned the hearing is displayed.

## **Hearing Attendance Cancellation Correspondence**

A hearing attendance correspondence is automatically generated if an appellant is removed from a hearing case that has a scheduled hearing. This correspondence informs the appellant that they are not required to attend the scheduled hearing.

The following information is included on the hearing attendance cancellation correspondence:

### **Appellant Details**

The appellant's name and address are displayed.

### **Issue Date**

The issue date of the correspondence is displayed.

### **Hearing Case Details**

The following details are displayed for the scheduled hearing: the hearing reference number, the requested hearing date, the scheduled hearing date, the scheduled hearing time, the hearing address (home or organization location address), the hearing case number, and appealed items to be addressed at the hearing. Note that no address is displayed for telephone hearings.

### **Instructions**

The appellant is requested not to attend the hearing.

## **Hearing Continuance Correspondence**

A hearing continuance correspondence is automatically generated each time scheduled hearing for a hearing appeal or hearing review is continued. This correspondence informs all hearing case participants that a continuance has been granted for a scheduled hearing.

The following information is included on the hearing continuance notification correspondence:

### **Correspondence Recipient Details**

The correspondence recipient's name and address are displayed.

### **Continuance Details**

The following continuance details are displayed: notification that the scheduled hearing date is continued, the date the continuance is granted, and the reason for the continuance.

### **Hearing Statement Deadline**

The final date for submitting a hearing statement is displayed.

### **Information for Canceling Appeal Request**

For the appellant, information for canceling the appeal request is displayed. The appellant signs and dates the correspondence and mails the cancellation request to the organization name and address displayed.

### **Hearing Official/Hearing Reviewer Name**

The name of the hearing official or hearing reviewer who continued the hearing is displayed.

## **Representative Fee Correspondence**

A representative fee correspondence is automatically generated to inform a representative that the representative fee has been approved or rejected. This correspondence is generated for all appeal types.

The following information is included on the representative fee correspondence:

### **Representative Details**

The name and address of the representative is displayed.

### **Issue Date**

The issue date for the correspondence is displayed.

### **Appeal Case Details**

The following appeal case details are displayed: the hearing reference number, the appeal case reference number, the appellant's name, the name of the party being represented, the scheduled hearing date, and the representative fee.

### **Fee Details**

The fee amount, the name of the fee recipient, and whether or not the fee has been approved is displayed.

### **Contact information**

Contact information including the organization name, contact address, and contact user is displayed.

## **Hearing Appeal Statement Correspondence**

Each time a hearing statement is recorded on the system, the system determines whether or not there is sufficient time to send it to the case participants. If there is sufficient time, the system generates a hearing statement correspondence. This correspondence is generated for hearing appeal and hearing review appeal types only.

A hearing appeal statement correspondence is a cover letter based on a template for hearing statements sent to all case participants. A copy is not sent to the participant who submitted the statement. A copy of the statement is sent to all other participants on the appeal case. If the statement is submitted by a hearing witness then a copy of the statement is not sent to the participant on whose behalf the witness has been called but a copy will be sent to all other participants on the case.

The following information is included on the hearing case statement correspondence:

**Correspondence Recipient Details**

The name and address of the correspondence recipient is displayed.

**Issue Date**

The issue date for the correspondence is displayed.

**Appeal Case Details**

The following appeal details are displayed: the hearing reference number, the appeal case reference number, the appellant's name, the scheduled hearing date, and the name of the party submitting the statement.

**Contact information**

Contact information including the organization name, contact address, and contact user is displayed.

## **Witness Notification Correspondence**

A witness notification correspondence informs a witness that his or her appearance is required at a hearing scheduled on the hearing appeal. The system generates a communication for voluntary witnesses based on the witness notification template each time a hearing is scheduled or rescheduled. Note that witnesses are not required to attend desk-based hearings.

The following information is included on the witness notification correspondence:

**Witness Details**

The name and address of the witness is displayed.

**Appellant Details**

The appellant's name and address is displayed. Note that if there are multiple appellants associated with the appeal, only the name of each appellant is displayed. Name and address information is only displayed when there is one appellant associated with the appeal case.

**Hearing Case Details**

The following hearing case details are displayed: the hearing reference number, the requested hearing date, the scheduled hearing date, the scheduled hearing time, the hearing address (home or organization location address), the hearing case number, and the appealed items to be addressed at the hearing. Note that no address is displayed for telephone hearings.

**Instructions**

The witness is instructed to attend the hearing or contact the organization to provide a telephone number.

## **Witness Summons Correspondence**

A witness summons correspondence summons a witness to appear at a hearing on a hearing appeal. The system generates a communication for involuntary witnesses based on the witness summons template each time a hearing is scheduled or rescheduled.

The following information is included on the witness summons correspondence:

**Witness Details**

The name and address of the witness who has been issued the summons is displayed.

**Appellant Details**

The appellant's name and address is displayed. Note that if there are multiple appellants associated with the appeal, only the name of each appellant is displayed. Name and address information is only displayed when there is one appellant associated with the appeal case.

### **Hearing Appeal Details**

The following hearing appeal details are displayed: the hearing reference number, the requested hearing date, the scheduled hearing date, the scheduled hearing time, the hearing address (home or organization location address), the hearing case number, and the appealed items to be addressed at the hearing. Note that no address is displayed for telephone hearings.

### **Instructions**

The witness is instructed to appear at the hearing or provide a phone number to the organization. The witness is also instructed to bring any relevant documents. For telephone hearings, the witness is instructed to contact the organization and provide a telephone number for the hearing. The witness is warned that failure to appear, provide a phone number, or to bring the requested documents may result in a penalty.

## **Hearing Decision and Order Correspondence**

A decision and order correspondence informs all case participants that a decision has been made and provides them with a copy of the appeal decision. When a decision for a hearing appeal or hearing review appeal is approved, a copy of the decision document is sent together with a generated cover letter. Included in this generated letter is the overall decision for the appeal case. If multiple items have been considered at the appeal, the cover letter includes the decision for each related appealed item under the appeal. Note that this correspondence only relates to hearing appeal and hearing review appeals.

The following information is included on the hearing decision and order correspondence:

### **Correspondence Recipient Details**

The name and address of the correspondence recipient are displayed.

### **Issue Date**

The issue date for the correspondence is displayed.

### **Appeal Case Details**

For hearing appeals, the following hearing appeal details are displayed: the hearing reference number, the requested hearing date, the scheduled hearing date, the scheduled hearing time, the hearing address (home or organization location address), the hearing case number, the name of each appellant associated with the hearing appeal, and the appeal issues to be addressed at the hearing. Note that appeal issues refer to denied items under appeal.

For hearing review appeals, the following hearing review details are displayed: the hearing review hearing reference number, the hearing review case reference number, the name of each appellant associated with the hearing review, and the appeal issues addressed at the hearing. Note that appeal issues refer to both denied items under appeal.

For judicial review appeals, the following judicial review details are displayed: the judicial review hearing reference number, the judicial review case reference number, the name of each appellant associated with the judicial review, and the appeal issues addressed at the hearing. Note that appeal issues refer to both denied items under appeal.

### **Decision Resolutions**

The decision resolution for each appealed item addressed at the hearing is displayed; this resolution is accepted, rejected, or remanded.

### **Overall Decision**

The system prints out a copy of the overall decision document for each case participant. The user responsible for posting the hearing decision and order correspondence must ensure that the decision is attached to the cover letter.

### **Final Date for Further Appeal**

The final date the appellant can request a further appeal is displayed. The final date is a set number of days after the issue date of the decision. The organization name and address where the appellant submits the further appeal request are provided.

### **Hearing Official/Hearing Reviewer Name**

For hearing appeal decision and order correspondence, the hearing official's name is displayed. For hearing review decision and order correspondence, one of the hearing reviewer's names is displayed.

## Court Petition Correspondence

A court petition correspondence is automatically generated each time a judicial review appeal is created where the organization is the appellant. This court petition is based on a court petition template. For judicial reviews where the organization is petitioning the court, the system automatically generates the court petition and sends it to the court.

The following information is included on the court petition correspondence:

### Court Petition Details

The following court petition details are displayed: the name of the petitioner, i.e., the organization name, the name of the respondent, the reference number for the appealed item whose decision is being appealed, and the effective date of this decision.

### Court Petition Request

The correspondence displays a list of reasons why the decision should be reversed. These are legal reasons as part of the court processing and do not contain any information specific to the appeal.

### User Details

The name of the user acting on behalf of the petitioner, i.e., the organization, is displayed.

## Hearing Transcript Correspondence

Hearing transcript correspondence provides the appellant with a copy of the transcription for a previous hearing held on an appeal case. As part of judicial review appeals processing, the organization is required to provide the appellants or respondent with a copy of the hearing transcription recorded for the previous appeal. Hearing transcriptions only pertain to judicial reviews that are higher than the first level in the appeals process because there must have been a hearing held in order for the transcription to exist.

The following information is included on the hearing transcript correspondence:

### Transcript Requester Details

The name and address of the transcript requester is displayed.

### Issue Date

The issue date for the correspondence is displayed.

### Hearing Details for Hearing Transcribed

The following hearing details for the hearing transcribed are displayed: the hearing reference number, the appeal case reference number, the name of each appellant associated with the appeal case, and the hearing date for the transcribed hearing.

### Transcription

The system prints out a copy of the transcription. The user responsible for posting the hearing transcript correspondence to the judicial review appellants or respondent must ensure that the transcription is attached to the cover letter.

## Appeal Cancellation Correspondence

An appeal cancellation correspondence is automatically generated each time an appeal case is canceled. This correspondence is sent to all case participants informing them of the canceled appeal.

The following information is included on the appeal case cancellation correspondence:

### Correspondence Recipient Details

The name and address of the correspondence recipient are displayed.

### Issue Date

The issue date for the correspondence is displayed.

### Appeal Case Details

The following appeal case details are displayed: the hearing reference number, the appeal case reference number, the name of each appellant associated with the appeal case, and the appealed items.

### User Details

The name of the user issuing the cancellation correspondence is displayed.

## Maintaining Appeal and Legal Action Information

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An overview of maintaining appeal information as part of appeals and legal actions. This information includes search functionality, appealed issues, appealed cases, appellants, transcription requests, statements, relationships and events.

Note that only statements and transcription requests can be maintained for legal actions.

### Search Functionality

Search functionality is provided for accessing appeal, case, and issue information based on specific criteria.

#### Case Search

Search functionality is provided for accessing case information based on specific criteria. When adding a case to an appeal, users can search for the case to add by case reference number.

#### Issue Case Search

Search functionality is provided for accessing issue information based on specific criteria. When adding an issue to an appeal case, users can search for the issue to add by the case reference number associated with the issue, the issue reference number, or the client whose evidence gave rise to the issue.

### Issues under Appeal

When requesting an appeal, the citizen indicates what decision they want to be overturned, and this is then set as the item under appeal. Issues, application programs, product delivery cases and product delivery determinations can be appealed. The item is associated with the appeal as part of the appeal creation process and a list of Items Under Appeal is maintained on the appeal. Once an appeal has been created, further items can be associated with it so that all of these items are considered as part of the one appeal.

### Appellants

A list of appellants on an appeal case is automatically maintained. The appellants list page allows a user to view a list of appellants that have been added to a hearing case, hearing review, or judicial review appeal. A row is displayed on the appellants list page for each appellant. Appellants can be added to, and removed from, an appeal case. An appellant cannot be removed if the appeal case is decided or appealed item belonging to the appellant is the only item on the appeal case.

### Transcription Requests

A transcription request is an inquiry for a recorded copy of a hearing. If the appeals process set up by the organization has more than one level of appeal, any case participant may request a transcription of the hearing for the prior appeal held on the case. Transcriptions can only be requested for hearing appeal, hearing review, or legal hearings.

### Statements

A statement is a report that is used as evidence during a hearing. For example, a witness may submit a statement in support of the appellants on an appeal case. A statement that is submitted by an appellant, respondent, third party, or witness must be submitted before the statement submission deadline date or it cannot be considered at the hearing. The statement submission deadline date is enforced to give the organization time to send copies of the statement to all the relevant participants to review before the hearing is held.

## Phone Contacts

A list of contact phone numbers can be maintained for each hearing. Phone number information is recorded for each participant invited to the hearing. A new phone number can be entered or an existing phone number selected from a list of phone numbers that have previously been recorded for a participant.

## Appeal Relationships

An appeal relationship is a link between an item whose decision is being appealed and an appeal case. The system automatically creates appeal case relationships. Where multiple denied items are selected for an appeal, an appeal relationship is created for each.

For example, if a hearing case appeal is created to appeal a product delivery case, the system creates a case relationship between the hearing appeal case and the product delivery case. If an appeal is created to appeal Unemployment and Child Care benefit programs that have been denied within an intake application, the system creates a case relationship between each denied program and also links the new appeal case.

## Appeal Events

An events calendar is provided for all events. Each calendar displays the name of the event and the date on which the event occurs in the appropriate date entry. A number of events are automatically created for each appealed item associated with an appeal during appeals processing. These events appear on both the original item under appeal events calendar and on the calendar for the appeal case itself.

The following events are automatically created by the system during specific appeals processing:

### **Hearing Scheduled for a Hearing Case Event**

A hearing scheduled event is automatically created on the date a hearing is scheduled for a hearing case.

### **Hearing Scheduled for a Hearing Review Event**

A hearing scheduled for a hearing review scheduled event is automatically created on the date a hearing is scheduled for a hearing review.

### **Hearing Case Created Event**

A hearing case created event is automatically created on the date a hearing case is created.

### **Hearing Review Case Created Event**

A hearing review case created event is automatically created on the date a hearing review case is created.

### **Appeal Canceled Event**

An appeal canceled event is automatically created on the date an appeal case is canceled.

### **Hearing Adjourned Event**

A hearing adjourned event is automatically created on the date a hearing is adjourned for a hearing case.

### **Hearing Review Adjourned Event**

A hearing adjourned event is automatically created on the date a hearing is adjourned for a hearing review.

### **Hearing Completed**

A hearing completed event is automatically created on the date a hearing for a hearing case is completed.

### **Hearing Review Continued**

A hearing review continued event is automatically created on the date a hearing for a hearing review is continued.

### **Appeal Case Approved**

An appeal case approved event is automatically created on the date an appeal case is approved.

### **Appeal Case Rejected**

An appeal case rejected event is automatically created on the date an appeal case is rejected.

**Appeal Reopened**

An appeal case reopened event is automatically created on the date an appeal case is reopened.

**Decision Submitted**

A decision submitted event is automatically created on the date an appeal case decision is submitted for approval.

**Decision Approved**

A decision approved event is automatically created on the date an appeal case decision is approved.

**Decision Rejected**

A decision rejected event is automatically created on the date an appeal case decision is rejected.

**Appeal Case Decided**

An appeal case decided event is automatically created on the date an appeal case is decided.

**Judicial Review Case Created**

A judicial review case created event is automatically created on the date a judicial review is created.

**Appealed to Hearing Review**

An appealed to hearing review event is automatically created on the date a case or issue is appealed to a hearing review.

**Appealed to Judicial Review**

An appealed to judicial review event is automatically created on the date a case or issue is appealed to a judicial review.

**Removed from Hearing Case**

A removed from hearing case event is automatically created on the date a case or issue under appeal is removed from a hearing case.

**Removed from Hearing Review**

A removed from hearing review event is automatically created on the date a case or issue under appeal is removed from a hearing review.

**Removed from Judicial Review**

A removed from judicial review event is automatically created on the date a case or issue under appeal is removed from a judicial review.

**Appealed Case Rejected**

An appealed case rejected event is automatically created on the date an appealed case or issue is rejected.

**Appealed Case Approved**

An appealed case approved event is automatically created on the date an appealed case or issue is approved.

## Appeal and Legal Action Administration

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An overview on the aspects of appeals and legal actions that can be set up as part of application administration services. For appeals, this includes time constraints, security, appeal processes, and clauses. For legal actions, this includes legal action categories, types, and legal statuses.

- Legal action administration allows the organization to define and categorize the legal action types that can be set up on individual cases and legal statuses.

### Time Constraints

Time constraints are time limits applied to items under appeal and are used to govern the number of days within which an action must be performed. For example, a time constraint can be configured indicating the maximum number of days by which an appeal request must be received for an issue related to earned income. A number of time constraints are used to govern the values for the appeal deadlines. A system administrator can access these time constraints and change the values, as required. Any case created for an item under appeal that has time constraints configured has access to these values.

Time constraints can be maintained for each stage of an appeal process defined for a specific appeal process configuration.

## Appeal Security

Appeal security determines a user's access to appeal information. When a user attempts to access appeal information or perform operations on an appeal case, the system checks the user's security to ensure he or she has the appropriate rights.

Security for cases, products, and participants govern a user's ability to maintain appeals. Therefore, a user's security role must include the necessary functions for performing case operations; it must also include the necessary security identifiers associated with related products. The user's location must be compliant with location-based security requirements. Additionally, the user's sensitivity must be high enough to access relevant participant and case note information. Security administration is covered in the *IBM Cúram System Configuration Guide*.

Because appeals can have multiple products or issues associated with them, an additional level of program security is provided which governs all appeal cases. Like product security, appeal security is rights-based. It is used to govern a user's rights to create, approve, maintain, and read appeals information. An additional right for appeals is the ability to approve decisions. The security rights set up at the administration level apply to all appeals.

Appeal security is maintained in two parts: at the security hierarchy level and at the appeal security administration level. A system administrator creates one or more appeal SIDs. A SID is a security identifier that represents a protected resource and is unique across the application. SIDs can be assigned to business processes, to specific fields in the application, and to the programs offered by the organization. These SIDs are applied to one or more rights. They are also added to the appropriate user roles. This establishes a link between the appeal rights and the users who have these rights. A user has the right to perform certain appeal operations only if his or her user profile contains the SID associated with the particular appeal rights. For example, in order for a user to be able to approve an appeal, that user's profile must contain the SID assigned to the appeal approve rights.

The following list describes the rights that can be secured for appeals:

### **Create**

Any user whose security role contains a create SID has the security privileges to create and maintain appeal information.

### **Approve**

Any user whose security role contains an approve SID has the security privileges to approve, reject, read, and maintain appeal information.

### **Approve Decision**

Any user whose security role contains an approve decision SID has the security privileges to approve appeal decisions and read appeal information.

### **Maintain**

Any user whose security role contains a maintain SID has the security privileges to maintain and read appeal information.

### **Read**

Any user whose security role contains a read SID has the security privileges to read appeal information.

### **Related concepts**

[Configuring security](#)

## Appeal Process Administration

An organization can set up a custom appeals process for the applications, products and issues that it provides. Both the number of appeal levels and the type of appeal that can be created at each level are configurable on an individual application, product, determination, and issue basis.

Appeal processes can be defined for products, issue cases, determinations, and application integrated cases. Organizations can administratively specify for each of these case types if it is 'appealable' or not. An appeal process cannot be configured for any item if it has been set as 'not appealable'. For example, an overpayment is maintained administratively as a product but it may not be appropriate to allow customers to appeal an overpayment. Rather, the benefit or program from which the overpayment was created would be appealed. This is because the client is appealing the decision made on the benefit or program that resulted in the overpayment.

To allow for the escalation of an appeal to a higher decision-making body, each appeal process consists of one or more levels or stages. An appeal type is specified for each stage of appeal. There are three types of appeal that can be assigned to an appeal stage: hearing case, hearing review, or judicial review. When an appeal stage has a specific type of appeal case assigned to it, only appeal cases of that type can be created for that stage of appeal. For example, if the organization assigns a hearing review to be the first stage of appeal, a user will only be able to create a hearing review appeal when creating an appeal for the product for the first time.

Alternatively, the organization has the option of allowing any type of appeal to be held at an appeal stage. This means that a hearing case, hearing review, or judicial review can be created at that stage of appeal.

The status of an appeals process is either active or canceled. An active status indicates that the appeals process is effective. An appeals process becomes effective on the start date that is specified when the appeal process is created. A canceled status indicates that the appeals process has been deleted from the system.

An appeals process can be set to become effective on a date in the future. When this date is reached, the old appeals process is treated as expired and the future appeals process becomes active on the system.

## Clause Administration

Clause administration allows an organization to store clauses that can be used in decision documentation. Decision documents often contain lengthy clauses describing the precedents for the decision and the legal articles that affect it. These are often standard clauses, that contain the same wording on each occasion, manually added at the appropriate section of the document by the user. The clauses used to create appeal decision documents are set up as part of application administration. While creating decision documents, users can search for these clauses and dynamically insert relevant ones into the decision document.

## Legal Action Types and Categories

Legal action types can be defined and categorized at the administration level. The legal actions created on cases are based on these legal action types. Generic information is set up for each legal action type. This information is then inherited by the legal actions that are set up for participants on individual cases.

A unique legal action type is specified for each legal action. For example, the name of the legal action type may describe the legal action to which it relates. For example, "Detention", "Sentence", "Curfew Order". The administrator then indicates whether or not multiple participants can be associated with the legal action type. If indicated, multiple participants can be added, otherwise only one participant can be associated with the legal action type. A legal action home page can be specified for the legal action type.

The legal action home page setting defines the name of the page that is used when viewing, creating, and modifying legal action details for cases that are related to this legal action type.

An administrator can associate each legal action type with an integrated case type, product case type and investigation. Administrators can also remove an association between a legal action and a case type or an investigation if required. For example, an administrator can associate a legal action of type 'Arraignment' with an integrated case of type 'Ongoing Case'. This allows caseworker to create arraignment legal actions against the participants of any cases that are based on the ongoing case type.

Workflow events can also be associated with each legal action type that is configured. The workflow event class and type to be raised when a legal action of this type is created and when a legal action of this type is completed is specified. For example, when a paternity hearing is scheduled, a task to schedule a

paternity test for the participant and present the results to the court by the hearing date may be automatically generated and sent to the caseworker.

The legal action types defined and categorized based on similarity into the following three main categories:

- Hearing
- Petition
- Order

This table provides a sample legal category and legal action type configuration.

<i>Table 8: Sample Legal Category and Legal Action Type Configuration</i>	
<b>Legal Category</b>	<b>Associated Legal Action Type</b>
Hearing	Pre-Detention, Detention, Arraignment, Adjudication, Sentencing, Parole, Probation, Informal, Court (other).
Petition	Petition to Transfer, Petition to Waive to Adult Court
Order	Immediate Detention Decision, Detention Order, Disposition Order, Commitment Order, Bond Order, Referral Order, Reparation Order, Action Plan Order, Supervision Order, Community Punishment and Rehabilitation Order, Attendance Center Order, Drug Treatment Order, Parenting Order, Curfew Order, Training Order.

Multiple legal action types can be associated with each legal category defined. This simplifies legal action identification and also provides a flexible business flow that can be tailored per organization, for example, petition, hearing, order.

## Legal Statuses

Legal action administration allows an organization to define and categorize the legal action types that can be set up on individual cases and legal statuses. The ability to configure and define legal statuses for legal actions is supported.

When a court makes a decision about what will happen to a participant, it determines a legal status. Examples of legal statuses include adjudicated, crown ward, parental rights terminated, parental custody, and temporary custody. During the course of a case or legal action, a participant's legal status may change. The changes in a participant's legal status can be accessed and tracked by a caseworker. A history of a participant's legal status is maintained to allow the caseworker to see how a participant's legal status has changed over time, e.g. a participant's legal status may have initially been determined to be 'temporary custody' but then changed to 'parental rights terminated' when there was no longer the possibility that the participant would return home. Legal statuses are not tied to legal actions but may vary depending on or be impacted by the legal action outcome.

An administrator can associate each legal status with an integrated case type, product case type, screening, and investigation and also remove the associations if required. For example, an administrator can associate a legal status of type 'temporary custody' with an integrated case of type 'ongoing case'. This allows caseworker to create this legal status against participants of any cases that are based on the ongoing case type. For example, the temporary custody legal status can be applied to children placed in temporary custody.

The administrator may also indicate whether or not only one or multiple legal statuses can be active at a time within a particular type of case.

Legal actions provide the flexibility to define multiple legal statuses for a single individual at the solution or case level. For example, an organization can indicate that for all cases, a participant can only have one legal status active at one time, while other cases may have multiple legal statuses active for a participant at one time.

## Additional information

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Additional information on the topics covered in this information is covered in several related documents:

**Cúram Participant Guide**

The basic concepts of participant functionality.

**Cúram Integrated Case Management Guide**

The basic concepts of case functionality.

**Cúram Issue Management Guide**

The basic concepts of issue management functionality.

**Cúram Financials Guide**

The basic concepts of financial processing.

**Cúram Communications Guide**

An overview of communication functionality.

**Cúram Workflow Overview Guide**

An overview of workflow functionality.

**Cúram Service Planning Guide**

This guide provides an overview of service planning.

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