

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 420
HOUSE BILL 457

AN ACT TO AMEND THE PROVISIONS FOR PUBLIC ASSISTANCE APPEALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 108A-120(b) as recodified by Chapter 275 of the 1981 Session Laws is amended by rewriting said subsection to read as follows:

"(b) In cases involving termination or modification of assistance, no action shall become effective until 10 workdays after notice of this action and of the right to appeal is mailed or delivered by hand to the recipient; provided, however, termination or modification of assistance may be effective immediately upon the mailing or delivery of notice in the following circumstances:

- (1) When the modification is beneficial to the recipient; or
- (2) When federal regulations permit immediate termination or modification upon mailing or delivery of notice and the Social Services Commission or the Department of Human Resources promulgates regulations adopting said federal law or regulations. When federal and State regulations permit immediate termination or modification, the recipient shall have no right to continued assistance at the present level pending a hearing, as would otherwise be provided by subsection (d) of this section."

Sec. 2. G.S. 108A-120(d) as recodified by Chapter 275 of the 1981 Sessions Laws is amended by rewriting said subsection to read as follows:

"(d) If there is such timely appeal in cases not involving disability, in the first instance the hearing shall consist of a local appeal hearing before the county director or a designated representative of the county director, provided whoever hears the local appeal shall not have been involved directly in the initial decision giving rise to the appeal. If there is such timely appeal in cases involving disability, the county director or a designated representative of the county director shall within five days of the request for an appeal forward the request to the Department of Human Resources, and the Department shall designate a hearing officer who shall promptly hold a hearing in the county according to the provisions of subsections (i) and (j) of this section. In cases involving termination or modification of assistance (other than cases of immediate termination or modification of assistance pursuant to subsection (b)(2) of this section), the recipient shall continue to receive assistance at the present level pending the decision at the initial hearing, whether that be the local appeal hearing decision or, in cases involving questions of disability, the Department of Human Resources hearing decision, provided that in order to continue receiving assistance pending the initial hearing decision the recipient must request a hearing on or before the effective date of the termination or modification of assistance."

Sec. 3. G.S. 108A-120(i) as recodified by Chapter 275 of the 1981 Session Laws is amended by inserting between the words "no local hearing," and "the county director" the following language:

"or if there is an appeal of a case involving questions of disability".

Sec. 4. This act shall become effective October 1, 1981.

In the General Assembly read three times and ratified, this the 19th day of May, 1981.