



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

**BUREAU OF HEARINGS AND APPEALS**

**IN THE MATTER OF:** Standing Practice Order  
Formal Appeals  
Order No. SPO-Rev-0305

**STANDING PRACTICE ORDER**

AND NOW, this 2nd day of January, 2018, it is hereby **ORDERED** that all parties to formal proceedings for appeals, excluding appeals arising from 55 Pa. Code Chapter 41, shall conform to the hearing procedures specified within this Standing Practice Order.

A handwritten signature in black ink that reads "Tracy L. Henry".

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Tracy L. Henry, Esquire  
Chief Administrative Law Judge

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# PART 1: GENERAL PROVISIONS

## RULE 1: Definitions

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The following shall have the particular meaning as used within these rules:

**“Adjudication”** - An order, degree, decision, determination or ruling by the bureau affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of the parties to a formal proceeding.

**“Administrative Hearing”** - Any proceeding before the Bureau of Hearings and Appeals in which an Administrative Law Judge creates a tape or stenographic record.

**“Administrative Law Judge (ALJ)”** - The Director, or an employee of the Bureau of Hearings and Appeals appointed according to statute and designated to preside at hearings or conferences or other officers specially provided for and designated to conduct specified classes of proceedings.

**“Attorney”** - An individual licensed or otherwise permitted to practice law by the Supreme Court of Pennsylvania.

**“Appeal and Appellant”** - A person who complains to the bureau that the department has acted incorrectly or failed to act correctly as provided by law in a matter which, by law, the bureau is permitted to hold an administrative hearing.

**“Bureau or BHA”** - The Bureau of Hearings and Appeals with the Department of Human Services.

**“Continuance”** - An order by the bureau rescheduling an administrative hearing to another date or time.

**“Department”** - The Department of Human Services (DHS) of the Commonwealth of Pennsylvania or a county children and youth agency acting on behalf of DHS, or any private foster care agencies placing children in foster care. “Department” may also refer to the Departments of Health or Aging in appeals taken from the administrative action by those agencies.

**“Discovery”** - The process by which parties to a formal proceeding exchange information prior to an administrative hearing.

**“Document”** - A relevant and material writing, of single or multiple pages, submitted to the bureau of informational purposes connected to an appeal.

**“Exhibit List”** - A list of documents, photos or other materials a party intends to present in support of its case at the administrative hearing.

**“Filing”** - The physical receipt of a document at the bureau.

**“Formal Proceedings”** - Those administrative hearings designated by the Director of BHA, excluding appeals arising from 55 Pa. Code Chapter 41, to be conducted under 1 Pa. Code Chapters 31, 33, 35 as supplemented by this Standing Practice Order.

**“Motion”** - A motion is a written request, in connection with an appeal, for the bureau to take some action permitted by law.

**“Notice”** - A notice is the written method to provide information you believe BHA is required to recognize as part of the appeals procedure or which information will affect the appeals procedure.

**“Party”** - A person or corporate entity recognized by law as directly connected to the outcome of an appeal and who/which filed a writing specifying such an interest with the bureau, including the appellant, the department, a county agency or private agency empowered by the department to implement regulations on behalf of the department, the guardian ad litem for a child, an intervenor, or additional defendant.

**“Rule”** - Unless otherwise specified, the term “Rule” shall refer to a rule listed in this Standing Practice Order.

**“Service”** - A requirement that one party give a copy of documents filed with the bureau to all other parties to an appeal, including written notice of any document to be entered into evidence. In the case of a subpoena, to notify a person summoned to testify or produce documents before the bureau of the time and date of appearance by giving the summoned person a completed subpoena.

**“Special Accommodations”** - Refers to the needs of persons with limited English proficiency or persons with physical disabilities who require additional assistance in order to participate meaningfully in an administrative hearing.

**“Stay”** - An order issued to suspend part or all of an appeal because some other legal matter or circumstance that may affect the appeal process must be resolved first.

**“Stipulation”** - A written agreement signed by the parties in which the parties aver certain important facts in the case to be true and correct.

**“Subpoena”** - A written order from BHA directing the person named to appear at an administrative hearing and testify as a witness and/or to bring specific items to an administrative hearing.

**“Witness List”** - A list submitted by a party listing the person(s) whom the party seeks to have testify at an administrative hearing.

## **RULE 2: Title and Citation of Rules**

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All rules contained herein shall be known and cited as SPO Rule #\_\_\_\_\_.

## **RULE 3: Jurisdiction and Confidentiality**

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This Standing Practice Order (SPO) shall supplement hearing procedures specified at 1 Pa. Code Chapters 31, 33, 35 and which involve formal proceedings. Pre-hearing matters include, but are not limited to, filings, requests to change the hearing date for good cause (continuances), exchange of information (discovery), requests for subpoenas and motions.

The parties are instructed to adhere to all relevant and applicable federal and state statutes and regulations regarding confidentiality.

## **RULE 4: Scope and Interpretation**

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(a) This SPO supersedes all previous versions of the SPO and applies to formal proceedings scheduled for hearing at any of the offices of BHA.

(b) The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The presiding officer at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

## **RULE 5: Special Accommodations**

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If any party or witness needs a special accommodation, the affected party must notify the pre-hearing official during the initial pre-hearing conference, or the regional manager, as soon as possible after the initial pre-hearing conference so necessary arrangements may be made.

## **PART 2: ATTORNEYS**

### **RULE 6: Representation by an Attorney**

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- (a) An appellant or other party is not required to be represented by an attorney during a formal proceeding, unless otherwise required by applicable regulations.
- (b) Individuals who do not have an attorney may contact the Pennsylvania Bar Association Lawyer Referral Service to obtain the name of an attorney to represent them at (800) 692-7375 or (717) 238-6807.
- (c) Individuals who cannot afford an attorney may qualify for assistance from one of the local legal services corporations (see list attached at the end of this SPO) located around the state.
- (d) Bureau employees cannot provide legal advice to individuals who represent themselves in the appeal process or to any attorney. "Legal advice" includes explaining appeal rights, explaining regulations or law, doing legal research or telling someone what paperwork to prepare or how to prepare it. Bureau employees can explain the appeal procedure and where someone could find the regulations or law which covers the issue on appeal.

### **RULE 7: Required Attorney Notice of Appearance and Withdrawal**

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- (a) Attorneys retained to represent the parties in a formal appeal shall submit a Notice of Appearance, similar in form to that which is attached to this SPO.
- (b) Attorneys who no longer represent a party to a formal proceeding shall notify BHA by filing a written Withdrawal of Appearance, similar in form to that which is attached to this SPO.

### **RULE 8: Effect of Representation by an Attorney**

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- (a) An act or failure to act by an attorney has the same effect as if the party for whom the attorney has entered an appearance performs it or fails to perform it.
- (b) Any service or notice required by this SPO to be given by one party to another shall be complete if such service or notice is given in the prescribed manner to the attorney who has entered an appearance for that particular party.

## PART 3: DOCUMENTS AND FILING

### RULE 9: Role of the Regional Manager

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Following a pre-hearing conference or after the parties receive notice of a hearing date, the parties shall direct all communications with the bureau through the regional manager or the ALJ specifically designated by the regional manager to handle pre-hearing matters.

### RULE 10: Format of Documents Submitted to the Bureau

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- (a) All documents submitted to the bureau shall be on letter-size paper or paper folded to a letter size of 8 to 8 1/2 inches wide by 10 1/2 inches to 11 inches long, with the left-hand margin not less than 1/2 inches wide and with other margins not less than 1/2 inch.
- (b) The parties, insofar as possible, shall submit typewritten documents, containing either 10- or 12-point type, except where signed. Handwritten documents shall be printed in ink.
- (c) Any filed document shall contain an impression on only one side of the paper and shall be double-spaced, except that quotations in excess of a few lines shall be single-spaced and indented.
- (d) Any filed document shall contain numbered paragraphs, generally consisting of no more than a sentence or two, pertaining to a single subject.
- (e) Documents are not required to possess “bluebacks” or “cappers” and need to be fastened only at the upper left corner by a staple or clip.
- (f) Parties should submit only an original of any document. Photographic copies may be submitted in place of the original for exhibits and attachments but only if the submitting party obtains the bureau’s approval.
- (g) Any document, except for exhibits or attachments, shall display the caption of the appeal at the top of the page.
- (h) Any document submitted must identify the name and address of the party who is its maker, must be dated and must be signed in ink.
- (i) Failure to submit a legible document or one in the required format may result in the contents of that document not being considered for its submitted purpose.

### RULE 11: Filing, Service and Proof of Service

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- (a) A document will not be considered by the bureau for its intended purpose unless it is filed at the office of BHA on or before the day it is due.
- (b) Documents may be filed by facsimile (“fax”) transmission but prior permission is required from the regional manager or ALJ. The original document must be filed within five (5) days of the faxed document.
- (c) A party who submits a document to the bureau by mail is responsible to do so far enough in advance of the day so that the document is received before the due date.
- (d) Each party who submits a document to the bureau must send a copy of that document to all other parties by first class mail or alternate or by hand-delivery. Each party must submit a certificate of service to the bureau listing the name and address of every party to which a copy was sent. A certificate of service is required for each document and must be filed at the time the document is filed with the bureau. The certificate of service shall be similar to the form attached to this SPO.
- (e) Any notice or other written communication required to be served upon or furnished to a party shall also be served upon or furnished to the party’s attorney in the same manner as it is served upon the party.

## PART 4: MOTIONS

### RULE 12: General Rule

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- (a) Motions may be filed, submitted or made at any time.
- (b) A party who desires to obtain a procedural or interlocutory ruling or obtain any other relief from the bureau, prior to an administrative hearing, shall file a written motion with the regional manager, substantially in the format set forth in the sample form attached to this SPO.
- (c) A party who desires to obtain a procedural or interlocutory ruling or obtain other relief from the bureau during an administrative hearing may make the motion orally upon the record or in writing at the time of the administrative hearing. The ALJ may require an oral motion be reduced to writing and filed subsequent to the administrative hearing.
- (d) The form, filing, service, and proof of service of a written motion shall conform to SPO Rules 9, 10 and 11
- (e) Before filing a written motion, a party shall contact all other parties to the formal proceeding, if possible, and ask whether they will or will not object to the request contained within the motion. The other party's response or the movant's inability to contact another party should be noted within the motion.
- (f) A party is not required to file a brief in support of its motion, although parties are advised that briefs may be filed and can assist the bureau.

### RULE 13: Objections to Motions

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Any party to a formal proceeding shall have 10 days within which to respond to any written motion unless another period of time is otherwise fixed by the regional manager.

### RULE 14: Resolution of Motions

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- (a) The regional manager may designate an ALJ to rule upon any motion prior to the commencement of the administrative hearing where ruling prior to the hearing is essential for the orderly and fair conduct of the hearing.
- (b) A motion for which the bureau does not enter an order within thirty (30) days is deemed denied without prejudice.
- (c) With the exception of a final dispositive motion, a motion submitted or made during the hearing will be decided by the ALJ presiding at the hearing.
- (d) Final dispositive motions, including motions for dismissal or summary judgment, shall be made no later than fifteen (15) days before the hearing on the merits, unless good cause is shown.



## PART 5: SUBPOENAS

### RULE 15: General Rule

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(a) Subpoenas may be issued by the Regional Manager but only when a party submits a written request describing who and/or what is requested and a brief explanation how the subpoenaed person's testimony or documents will assist the Administrative Law Judge in deciding the issue on appeal. This explanation must be separate and apart from any witness list.

(b) In Child Abuse Expunction appeals, requestors desiring subpoenas should use the Unified Pre-Hearing Filing. Parties must attach completed subpoenas when submitting the Unified Pre-Hearing Filing or when requesting subpoenas.

### RULE 16: Format of Subpoenas

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(a) A party who requests a subpoena must fill out a separate subpoena for each witness in substantially the form which is attached to this SPO using the following format:

1. Print or type the name of the appeal after the words "**In the Matter of:**".
2. Print or type the docket number after the words "**Docket No.:**".
3. Print or type the name and address of the person whose presence you want to compel at the hearing after the word "**To:**".
4. Print or type the address of the BHA office where the hearing will be held on the two blank lines following the words "**located at**".
5. Print or type the time of the hearing after the word "**at**".
6. Print or type the date of the hearing after the word "**on**".
7. Print or type your name, address, telephone number and the date in the blank spaces after the words "**Issued by:**".
8. If the person is to bring any items to the hearing, fill in the description of those items in the blank space following the phrase "**AND, bring with you without fail the following:**".

(b) A blank subpoena is enclosed with this SPO, from which copies may be made in the event a party desires to subpoena more than one witness.

### RULE 17: Time to Request Subpoena

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(a) A party shall submit to the Regional Manager a written request for the issuance of subpoenas, including the completed subpoenas, no later than fourteen (14) days before the scheduled hearing date listed on the Hearing Scheduling Order.

(b) A party shall serve all other parties to a formal proceeding with a copy of the written requests and completed subpoenas submitted to the Regional Manager.

(c) Once approved and signed, subpoenas will be returned to the party who requested them. The requesting party is responsible for delivery of the subpoena(s) to the witness(es) and payment of witness fees and mileage costs.

## **RULE 18: Limitations on Subpoena Approval**

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(a) Upon request of a party or when deemed necessary sua sponte, the regional manager may choose not to issue a subpoena or choose to limit the scope of a subpoena if:

1. A party does not sufficiently describe the documents requested or demonstrate the need for or the relevance of a witness, or
2. The requested documents contain confidential information protected by law, or
3. The testimony or documents sought are redundant, irrelevant or immaterial to a particular appeal.

(b) The regional manager may direct redaction of portions of documents, requested by a subpoena but made confidential by law, by noting on the subpoena that “all materials that are statutorily protected from disclosure should be redacted.”

(c) A subpoenaed party who responds to a subpoena with a claim that the subpoena requests documents or other materials that are in part or wholly confidential must explicitly note the basis for claiming the documents are confidential. The subpoenaed party must file two sets of the documents with the regional manager; one set with all the alleged confidential material redacted and one set without redaction.

## **PART 6: CHANGES TO HEARING DATE**

### **RULE 19: Stay of Proceedings**

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- (a) All parties aware of a separate legal proceeding should file notice of the same with the bureau if the same or substantially the same facts as those in the formal appeal before the bureau are the subject of the separate legal proceeding.
- (b) A party who becomes aware of compelling reasons why BHA should stay the appeal must file a written motion for a stay as soon as practicable.
- (c) A party filing a notice concerning a separate legal proceeding should inform the bureau who is conducting the separate proceeding, what that proceeding concerns, and the status of that legal proceeding.

### **RULE 20: Continuances Requested by Parties**

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- (a) A party must request changes in a hearing date or time by filing a written motion with the bureau.
- (b) Continuances will be granted only if the contents of the motion demonstrate good cause for changing the date or time for the scheduled administrative hearing and absent substantial prejudice to the opposing party.

### **RULE 21: Extension of Time**

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If a party misses a deadline or requires additional time to do what is required by this SPO, the party desiring additional time must submit a written motion for extension of time to the regional manager. This motion should be similar to the Motion for Extension of Time or Motion for Extension of Time Nunc pro Tunc, which is attached to this SPO.

## PART 7: DISCOVERY

### RULE 22: General Rule

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- (a) Title 1 Pa. Code §35.112, §35.114, and 1 Pa. Code §35.187 specifically authorize the use of discovery conferences for the discovery or production of data to aid in expediting the orderly conduct and disposition of a formal proceeding.
- (b) The practice of the bureau has been to direct parties to exchange material and relevant information which a party intends to use in a formal proceeding as soon as practicable after a hearing has been scheduled in order to avoid delay of the hearing date.
- (c) Disputes over discovery by parties may be resolved by motions to compel discovery or by requesting a telephonic or other conference from which an order may be issued to limit discovery or to issue protective orders, which protect privileged or confidential information.
- (d) For Child Abuse Expunction appeals, 23 Pa.C.S.A. § 6341(c.2)(4) requires the department or county agency to provide a person making an appeal with evidence gathered during the child abuse investigation within its possession that is relevant to the child abuse determination, subject to sections 6339 (relating to confidentiality of reports) and 6340 (relating to release of information in confidential reports).

### RULE 23: Witness List

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- (a) A party shall file an initial Witness List with the regional manager and shall provide every other party with a copy of the witness list no later than fourteen (14) days before the scheduled hearing date listed on the Hearing Scheduling Order.
- (b) The Witness List shall be similar to the same form as the blank sample witness list attached to this SPO.
1. The list shall include the name and address of each person you expect to bring or make appear as a witness at the hearing and a brief description of what the witness will say and what those statements will prove.
  2. The Witness List shall not be combined with the Exhibits List and will not be accepted as a substitute for a separate written application for issuance of subpoena.
  3. The filing of the initial Witness List and any amended list does not require a party to have the listed witnesses appear at the administrative hearing.
  4. The ALJ presiding at the administrative hearing will determine whether witnesses appearing at the time of the hearing will be permitted to testify.
- (c) An initial Witness List may be amended or supplemented by serving the regional manager and every other party with an amended list containing the new witness(es) and the same information relating to the new witness that would have appeared if you had included the same on your initial Witness List, including a brief description of the testimony to be provided through that proposed witness.
- (d) If a party decides not to use a witness included on a Witness List, that party must immediately notify the regional manager and every other party by filing an amended list that removes the name(s) of the witness(es).
- (e) A party that intends to have a witness testify by telephone in a formal appeal shall submit a motion. Guidelines for requesting and criteria for granting telephonic testimony are attached to this SPO.
- (f) A Witness List for Child Abuse Expunction appeals shall be filed according to the instructions specified in the Unified Pre-Hearing Filing.

## **RULE 24: Exhibit List**

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(a) A party shall file an initial Exhibit List with the regional manager and shall provide the other party with a copy of the Exhibit List no later than fourteen (14) days before the scheduled hearing date listed on the Hearing Scheduling Order.

(b) The Exhibit List shall be substantially in the same form as the blank, sample Exhibit List attached to this SPO. A copy of each Exhibit should be attached to the Exhibit List with staples (or binder clips if the papers are too thick for stapling) on the upper left corner of the Exhibit List or on the backside of the Unified Pre-Hearing Filing.

1. The Exhibit List shall not be combined with the Witness List and will not be accepted as a substitute for a written application for issuance of subpoena.
2. The filing of the initial Exhibit List or any amended list does not require the party to produce the listed exhibit(s) at the administrative hearing.
3. The ALJ presiding at the administrative hearing will determine whether proposed exhibits will be admitted as evidence during the administrative hearing.

(c) The Exhibit List shall include a description of the exhibits (papers, photographs, charts, models, videotapes, etc.) that a party intends to use as evidence at the administrative hearing. The description of the exhibits must identify each individual item, describe the content of the item and explain what the item will prove at the hearing.

(d) A party will serve a copy of each exhibit to all other parties, including the regional manager.

(e) An initial Exhibit List may be amended or supplemented by serving the regional manager and every other party with a copy of the amended list containing information relating to the new exhibit and any information that would have appeared if included on the initial Exhibit List.

(f) If a party decides not to use an exhibit included in the Exhibit List, that party must immediately notify the regional manager and every other party by filing an amended list that removes the exhibit(s).

(g) The Exhibit List for Child Abuse Expunction appeals shall be filed according to the instructions specified in the Unified Pre-Hearing Filing.

## **RULE 25: Stipulations**

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If there are any facts the parties can agree upon, they shall file a written Stipulation of Facts with the appropriate regional manager as soon as an agreement is reached. The agreement must be signed by all appropriate parties or their duly-appointed representatives.

## **PART 8: SPECIAL RULES FOR CHILD ABUSE EXPUNCTIONS**

### **RULE 26: Unified Pre-Hearing Filing**

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- (a) Parties to a Child Abuse Expunction must file a Unified Pre-Hearing Filing with the regional manager no later than fourteen (14) days before the scheduled hearing date listed on the Hearing Scheduling Order.
- (b) The Unified Pre-Hearing Filing is a single form through which each party submits an initial Witness List and an Exhibit List, requests subpoenas and makes any pre-hearing motions.
- (c) The party shall fill in all relevant portions of the Unified Pre-Hearing Filing by either legible handwriting or typewritten.
- (d) The party shall complete the section for the issuance of subpoenas according to the requirements of this SPO.
- (e) A party must serve a duplicate copy of the Unified Pre-Hearing Filing upon every other party to a particular Child Abuse Expunction.
- (f) After filing the Unified Pre-Hearing Filing, a party may request additional subpoenas, file motions, amend Witness or Exhibit Lists using the procedure outlined in SPO Part 5 for subpoenas, SPO Part 4 for motions and SPO Part 7 for witness and exhibit submissions.

### **RULE 27: Continuances**

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In Child Abuse Expunction appeals, a party desiring a continuance must submit a motion for same as part of the Unified Pre-Hearing Filing. In Child Abuse Expunction appeals, if you desire to file a motion for continuance after you submit the Unified Pre-Hearing Filing, use the attached Motion for Continuance of Hearing form and file the request as soon as practicable.

### **RULE 28: Stay of Proceedings**

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- (a) Any party in a Child Abuse Expunction appeal must immediately notify the regional manager in writing and provide documentation of the existence of another court proceeding arising from or related to the child abuse appeal to which that party is involved.
- (b) Further proceedings before the bureau, including actions on pending motions except those necessary to preserve evidence and a hearing, will not occur until the bureau is notified of the disposition of the court proceeding.
- (c) All parties to a child abuse appeal shall notify the bureau within fifteen (15) days of disposition of any such related court proceedings.

# APPENDIX A: FORMS - 1. NOTICE OF APPEARANCE

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

## NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I am authorized to accept service on behalf of said participant in this matter.

### [CHECK ONE]

- On the basis of this notice, I request a copy of each document hereafter issued by the Bureau of Hearings and Appeals in this matter.
- I am already receiving or have access to a copy of each document issued by the Bureau of Hearings and Appeals in this matter (alone, or in a consolidated proceeding) and do not on the basis of this notice require an additional copy.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME (PRINTED)

\_\_\_\_\_  
STREET ADDRESS

\_\_\_\_\_  
MAILING ADDRESS (IF DIFFERENT FROM STREET)

\_\_\_\_\_  
CITY, STATE AND ZIP CODE

\_\_\_\_\_  
CITY, STATE AND ZIP CODE

\_\_\_\_\_  
TELEPHONE NUMBER (INCLUDING AREA CODE)

\_\_\_\_\_  
FAX NUMBER (INCLUDING AREA CODE)

\_\_\_\_\_  
ATTORNEY IDENTIFICATION NUMBER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMAIL ADDRESS

# APPENDIX A: FORMS - 2. WITHDRAWAL OF APPEARANCE

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

## WITHDRAWAL OF APPEARANCE

Please withdraw my appearance in the above-designated matter on behalf of:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

On the basis of this notice, I request a copy of each document hereafter issued by the Bureau of Hearings and Appeals in this matter be sent to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME (PRINTED)

\_\_\_\_\_  
STREET ADDRESS

\_\_\_\_\_  
MAILING ADDRESS (IF DIFFERENT FROM STREET)

\_\_\_\_\_  
CITY, STATE AND ZIP CODE

\_\_\_\_\_  
CITY, STATE AND ZIP CODE

\_\_\_\_\_  
TELEPHONE NUMBER (INCLUDING AREA CODE)

\_\_\_\_\_  
FAX NUMBER (INCLUDING AREA CODE)

\_\_\_\_\_  
ATTORNEY IDENTIFICATION NUMBER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMAIL ADDRESS



# APPENDIX A: FORMS - 3. CERTIFICATE OF SERVICE

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding in accordance with the requirements of § 33.32 (relating to service by a participant).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

# APPENDIX A: FORMS - 4. MOTION

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

## MOTION FOR (specify your request)

- I. **Submitted for:** (name of party)
- II. **Description of requested action:**
- III. **Reasons why each type or form of requested action should be granted:**
- IV. **Statutory, regulatory and decisional law authority supporting this motion:**
- V. **Averment of Concurrence or Opposition of the parties (check one):**
  - A.  I have contacted all parties of record in this matter and informed them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals. The other parties have affirmatively informed me that I may represent to the Bureau of Hearings and Appeals that there is no opposition to this motion.
  - B.  I have contacted all parties of record in this matter and informed them of the entire content of this motion prior to submitting it to the Bureau of Hearings and Appeals. The following parties have informed me that they oppose this motion:  
  
\_\_\_\_\_
  - C.  I have not contacted all the parties of record in this matter to inform them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals but will inform the Bureau of Hearings and Appeals of the concurrence or opposition of the other parties, if so advised, by a supplementary filing.

\_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADDRESS

# APPENDIX A: FORMS - 5. APPLICATION FOR ISSUANCE OF SUBPOENA

---

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

## APPLICATION FOR ISSUANCE OF SUBPOENA

- I. **Submitted for:** (name of party)
- II. **Persons to appear:** (name, address, expected testimony, relevance)
- III. **Production of documents is requested from:** (identify custodian and describe each document, content of document and facts to be proved by the document)

---

NAME

---

DATE

---

ADDRESS

**APPENDIX A: FORMS - 6. SUBPOENA**

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**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HEARINGS AND APPEALS**

**IN THE MATTER OF:  
DOCKET NO.:**

**TO:**

**SUBPOENA**

You are **ORDERED** to come to the hearing to be held by the **Bureau of Hearings and Appeals** located at \_\_\_\_\_, at \_\_\_\_\_ on \_\_\_\_\_ to testify to the truth and give evidence in the above-captioned matter, and to remain until excused.

AND, bring with you without fail the following:

Upon your failure to do so, such penalty as provided in the law shall be imposed.

**Issued by:**

\_\_\_\_\_  
REQUESTING PARTY/ATTORNEY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE NUMBER

**BY THE BUREAU OF HEARINGS AND APPEALS,**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
REGIONAL MANAGER

# APPENDIX A: FORMS - 7. MOTION FOR CONTINUANCE

---

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

## MOTION FOR CONTINUANCE OF HEARING

- I. **Submitted for:** (name of party)
- II. **Date and location of hearing:**
- III. **Reasons why the continuance should be granted:**
- IV. **Statutory, regulatory and decisional law authority supporting this motion:**
- V. **Averment of Concurrence or Opposition of the parties (check one):**
  - A.  I have contacted all parties of record in this matter and informed them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals. The other parties have affirmatively informed me that I may represent to the Bureau of Hearings and Appeals that there is no opposition to this motion.
  - B.  I have contacted all parties of record in this matter and informed them of the entire content of this motion prior to submitting it to the Bureau of Hearings and Appeals. The following parties have informed me that they oppose this motion:  
  
\_\_\_\_\_
  - C.  I have not contacted all the parties of record in this matter to inform them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals but will inform the Bureau of Hearings and Appeals of the concurrence or opposition of the other parties, if so advised, by a supplementary filing.

\_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADDRESS

# APPENDIX A: FORMS - 8. MOTION FOR EXTENSION OF TIME

---

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

## MOTION FOR EXTENSION OF TIME

- I. **Submitted for:** (name of party)
- II. **The act which is required or allowed to be done:**
- III. **Existing due date for what is required or allowed to be done:**
- IV. **Number of additional days and the extended due date requested:**
- V. **Reasons why the extension of time should be granted:**
- VI. **Statutory, regulatory and decisional law authority supporting this motion:**
- VII. **Averment of Concurrence or Opposition of the parties (check one):**
  - A.  I have contacted all parties of record in this matter and informed them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals. The other parties have affirmatively informed me that I may represent to the Bureau of Hearings and Appeals that there is no opposition to this motion.
  - B.  I have contacted all parties of record in this matter and informed them of the entire content of this motion prior to submitting it to the Bureau of Hearings and Appeals. The following parties have informed me that they oppose this motion:  
  
\_\_\_\_\_
  - C.  I have not contacted all the parties of record in this matter to inform them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals but will inform the Bureau of Hearings and Appeals of the concurrence or opposition of the other parties, if so advised, by a supplementary filing.

\_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADDRESS

**APPENDIX A: FORMS - 9. MOTION FOR EXTENSION *NUNC PRO TUNC***

---

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HEARINGS AND APPEALS**

**IN THE MATTER OF:**

**MOTION FOR EXTENSION *NUNC PRO TUNC***

- I. Submitted for:** (name of party)
- II. The act which is required or allowed to be done:**
- III. Existing due date for what is required or allowed to be done:**
- IV. Number of additional days and the extended due date requested:**
- V. Reasons why the extension of time should be granted:**
- VI. Statutory, regulatory and decisional law authority supporting this motion:**
- VII. Averment of Concurrence or Opposition of the parties (check one):**
  - A.  I have contacted all parties of record in this matter and informed them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals. The other parties have affirmatively informed me that I may represent to the Bureau of Hearings and Appeals that there is no opposition to this motion.
  - B.  I have contacted all parties of record in this matter and informed them of the entire content of this motion prior to submitting it to the Bureau of Hearings and Appeals. The following parties have informed me that they oppose this motion:  
  
\_\_\_\_\_
  - C.  I have not contacted all the parties of record in this matter to inform them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals but will inform the Bureau of Hearings and Appeals of the concurrence or opposition of the other parties, if so advised, by a supplementary filing.

\_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADDRESS

# APPENDIX A: FORMS - 10. WITNESS LIST

---

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

## WITNESS LIST

I. **Submitted for:** (name of party)

II. **This list is (check type):**

Initial

Amended

III. **Persons to appear:** (name, address, expected testimony, relevance)

IV. **Persons to remove:** (names only)

\_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADDRESS



# APPENDIX A: FORMS - 10. EXHIBITS LIST

---

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES  
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

## EXHIBITS LIST

- I. **Submitted for:** (name of party)
- II. **This list is (check type):**
  - Initial
  - Amended
- III. **Proposed exhibits:** (description of item, content of item, relevance of item)
- IV. **Proposed exhibits withdrawn from prior submitted lists:** (description only)

\_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADDRESS

## APPENDIX B: LEGAL SERVICES

### PENNSYLVANIA LEGAL AID NETWORK

**Website:** [www.palegalaid.net](http://www.palegalaid.net)

The Louise Brookins Building  
118 Locust Street  
Harrisburg, PA 17101-1414  
Phone: (717) 236-9486  
(800) 322-7572  
FAX: (717) 233-4088

### LAUREL LEGAL SERVICES

**Website:** [www.laurellegalservices.org](http://www.laurellegalservices.org)

#### Clarion Office

231 West Main Street  
Clarion, PA 16214  
Phone: (814) 226-4340  
(800) 660-1755  
FAX: (814) 226-5531

#### Greensburg Office

306 South Pennsylvania Avenue  
Greensburg, PA 15601  
Phone: (724) 836-2211  
(800) 253-9558  
FAX: (724) 836-3680

#### Indiana Office

460 North 4th Street  
Indiana, PA 15701  
Phone: (724) 349-3440  
(800) 660-1753  
FAX: (724) 349-9774

#### Johnstown Office

Franklin Center  
225-227 Franklin Street, Suite 400  
Johnstown, PA 15901  
Phone: (814) 536-8917  
(888) 244-7252  
FAX: (814) 535-3377

#### Kittanning Office

13633 State Route 422, Suite B  
Kittanning, PA 16201  
Phone: (724) 548-7674  
(800) 475-1239  
FAX: (724) 548-8675

### MID-PENN LEGAL SERVICES

**Website:** [www.midpenn.org](http://www.midpenn.org)

#### Adams Office

128 Breckenridge Street  
Gettysburg, PA 17325  
Phone: (800) 326-9177  
(717) 334-7624  
FAX: (717) 344-0863

#### Bedford Office

232 East Pitt Street  
Bedford, PA 15522  
Phone: (800) 326-9177  
(814) 623-6189  
FAX: (814) 623-6180

#### Berks Office

501 Washington Street, #401  
Reading, PA 19601  
Phone: (800) 326-9177  
(610) 376-8656  
FAX: (610) 376-8650

#### Blair Office

171 Lakemont Park Boulevard  
Altoona, PA 16602  
Phone: (800) 326-9177  
(814) 943-8139  
FAX: (814) 944-2640

#### Centre, Huntingdon, Juniata & Mifflin

3500 E. College Avenue, Suite 1295  
State College, PA 16801  
Phone: (800) 326-9177  
(814) 239-4958  
FAX: (814) 238-9504

#### Clearfield Office

211 East Locust Street  
Clearfield, PA 16830  
Phone: (800) 326-9177  
(814) 765-9646  
FAX: (814) 765-1396

## APPENDIX B: LEGAL SERVICES

<p><b>Cumberland Office</b> 401 East Louther Street, Suite 103 Carlisle, PA 17013</p> <p>Phone: (800) 326-9177 (717) 243-9400</p> <p>FAX: (717) 243-8026</p>	<p><b>Dauphin &amp; Perry Offices</b> 213-A North Front Street Harrisburg, PA 17101-2240</p> <p>Phone: (800) 326-9177 (717) 232-0581</p> <p>FAX: (717) 232-7821</p>	<p><b>Franklin &amp; Fulton Offices</b> 230 Lincoln Way East, Suite A Chambersburg, PA 17201</p> <p>Phone: (800) 326-9177 (717) 264-5354</p> <p>FAX: (717) 264-2420</p>
<p><b>Lancaster Office</b> 38 North Christian Street Suite 200 Lancaster, PA 17602</p> <p>Phone: (800) 732-0025 (717) 299-0971</p> <p>FAX: (717) 295-2328</p>	<p><b>Lebanon Office</b> 513 Chestnut Street Lebanon, PA 17046</p> <p>Phone: (800) 326-9177 (717) 274-2834</p> <p>FAX: (717) 274-0379</p>	<p><b>Mifflin Office</b> 3 West Monument Street Suite 203 Lewistown, PA 17044</p> <p>Phone: (800) 326-9177 (717) 248-3099</p> <p>FAX: (717) 248-0791</p>
<p><b>Schuylkill Office</b> 315 North Centre Street, Suite 201 Pottsville, PA 17901</p> <p>Phone: (800) 326-9177 (570) 628-3931</p> <p>FAX: (814) 623-6180</p>	<p><b>York Office</b> 29 North Queen Street York, PA 17403</p> <p>Phone: (717) 848-3605</p> <p>FAX: (717) 854-5431</p>	

### NEIGHBORHOOD LEGAL SERVICES ASSOCIATION

**Website:** <https://nlsa.us>

<p><b>Allegheny Office</b> 928 Penn Avenue Pittsburgh, PA 15222</p> <p>Phone: (412) 255-6700 (866) 761-6572</p> <p>FAX: (412) 355-0168 (412) 765-3223</p>	<p><b>Beaver Office</b> Stone Point Landing, Suite 204A 500 Market Street Bridgewater, PA 15009</p> <p>Phone: (724) 378-0595</p> <p>FAX: (724) 378-9795</p>	<p><b>Butler Office</b> No physical location</p> <p>Phone: (724) 282-3888</p>
<p><b>Lawrence Office</b> 125 East North Street Suite 329 - Temple Building New Castle, PA 16101</p> <p>Phone: (724) 658-2677</p> <p>FAX: (724) 658-5994</p>		

## APPENDIX B: LEGAL SERVICES

### NORTH PENN LEGAL SERVICES

Website: [www.northpennlegal.org](http://www.northpennlegal.org)

**Bradford & Susquehanna Office - Towanda Office**

213 Main Street, Suite 1  
Towanda, PA 18848

Phone: (877) 515-7732

FAX: (570) 534-0976

**Carbon & Luzerne - Hazleton Office**

101 West Broad Street, Suite 513  
Hazleton, PA 18201

Phone: (877) 515-7628

(570) 455-9512

FAX: (570) 455-3625

**Clinton, Lycoming & Tioga - Williamsport Office**

25 W. Third Street, Suite 400  
Penn Tower Building  
Williamsport, PA 17701

Phone: (800) 326-7436

(570) 323-8741

FAX: (573) 323-5256

**Columbia & Montour - Bloomsburg Office**

168 East Fifth Street  
Bloomsburg, PA 17815

Phone: (877) 515-7079

(570) 784-8760

FAX: (570) 784-4840

**Lackawanna, Luzerne, Sullivan & Wyoming - Pittston Office**

33 North Main Street, Suite 200  
Pittston, PA 18640

Phone: (855) 236-6405

(570) 299-4100

FAX: (570) 824-0001

**Lehigh & Northampton - Bethlehem Office**

559 Main Street, Suite 200  
Bethlehem, PA 18018

Phone: (610) 317-8757

FAX: (610) 317-8778

**Monroe & Pike - Stroudsburg Office**

10 North Tenth Street  
Stroudsburg, PA 18360

Phone: (800) 532-8282

(570) 424-5338

FAX: (570) 754-8508

**Northumberland, Snyder, Union Office**

133 North Second Street  
Sunbury, PA 17801

Phone: (877) 515-7730

(570) 286-5687

FAX: (570) 286-2203

**Wayne Office**

Wayne County Courthouse  
925 Court Street  
Honesdale, PA 18431

Phone: (877) 515-7465

FAX: (570) 754-8510

**Medical-Legal Project - Lehigh Valley Hospital**

1627 W. Chew Street  
Allentown, PA 18104

Phone (610) 317-5312 (Catherine)

(610) 317-5329 (Ambar)

FAX: (610) 317-8778

### NORTHWESTERN LEGAL SERVICES

Website: [www.nwls.org](http://www.nwls.org)

**Cameron, Elk Forest & Warren Offices**

First Niagara Building, Suite 401  
315 Second Avenue  
Warren, PA 16365

New Clients: (800) 665-6957

Phone: (814) 726-2530

(800) 753-5707

FAX: (814) 726-7169

**Erie Law Office - Central Intake Office**

1001 State Street  
Renaissance Center, Suite 700  
Erie, PA 16501

New Clients: (800) 665-6957

Phone: (814) 452-6949

(800) 753-5704

FAX: (814) 452-3734

**McKean & Potter Office**

100 Main Street  
Bradford, PA 16701

New Clients: (800) 665-6957

Phone: (814) 362-6596

(800) 753-5703

FAX: (814) 362-9869

## APPENDIX B: LEGAL SERVICES

### **Meadville Office**

Professional Building, 4th Floor  
231 Chestnut Street  
Meadville, PA 16335

New Clients: (800) 665-6957  
Phone: (814) 724-1040  
(800) 753-5706  
FAX: (814) 336-3743

### **Mercer Office**

1031 Roemer Boulevard  
Farrell, PA 16121

New Clients: (800) 665-6957  
Phone: (814) 452-6957  
(800) 665-6957  
FAX: (724) 346-6332

### **Venango Office**

1243 Liberty Street, Suite 406  
Franklin, PA 16323

New Clients: (800) 665-6957  
Phone: (814) 437-3028  
(800) 753-5705  
FAX: (814) 437-2274

## PHILADELPHIA LEGAL SERVICE PROGRAMS

### **COMMUNITY LEGAL SERVICES OF PENNSYLVANIA**

**Website:** <https://clsphila.org>

#### **Center City Office**

1424 Chestnut Street  
Philadelphia, PA 19102

Phone: (215) 981-3700

#### **North Philadelphia Law Center**

1410 West Erie Avenue  
Philadelphia, PA 19140

Phone: (215) 227-2400

### **PHILADELPHIA LEGAL ASSISTANCE**

**Website:** [www.philalegal.org](http://www.philalegal.org)

The Cast Iron Building  
718 Arch Street, Suite 300N  
Philadelphia, PA 19106

Phone: (215) 981-3800  
FAX: (215) 981-3860

### **LEGAL AID OF SOUTHEASTERN PENNSYLVANIA**

**Website:** <http://laps.org>

#### **Bucks Office**

1290 Veterans Highway, Box 809  
Bristol, PA 19007

Phone: (215) 781-1111  
FAX: (215) 781-1116

#### **Bucks Office**

50 North Main Street, 2nd Floor  
Doylestown, PA 18901

Phone: (215) 340-1818  
FAX: (215) 340-9545

#### **Chester Office**

222 N. Walnut Street, 2nd Floor  
West Chester, PA 19380

Phone: (610) 436-4510  
FAX: (610) 436-5186

#### **Delaware Office**

410 Welsh Street  
Chester, PA 19013

Phone: (610) 874-8421  
FAX: (610) 490-6915

#### **Delaware Office**

334 West Front Street  
Media, PA 19063

Phone: (610) 422-7053  
FAX: (610) 616-2576

#### **Montgomery Office**

248 King Street  
Pottstown, PA 19464

Phone: (610) 326-8280  
FAX: (610) 326-8282

#### **Montgomery Office**

625 Swede Street  
Norristown, PA 19401

Phone: (610) 275-5400  
FAX: (610) 275-5406

## APPENDIX B: LEGAL SERVICES

### SOUTHWESTERN PA LEGAL SERVICES

Website: [www.splas.org](http://www.splas.org)

#### Fayette Office

45 East Main Street, Suite 200  
Uniontown, PA 15401

Phone: (724) 439-3591

FAX: (724) 439-6491

#### Greene Office

63 South Washington Street  
Waynesburg, PA 15370

Phone: (724) 627-3127

FAX: (724) 852-4189

#### Somerset Office

218 North Kimberly Avenue  
Suite 101

Somerset, PA 15501

Phone: (814) 443-4615

FAX: (814) 444-0331

#### Washington Office

10 West Cherry Avenue  
Washington, PA 15301

Phone: (800) 846-0871

(724) 225-6170

FAX: (724) 250-1078

### PENNSYLVANIA HEALTH LAW PROJECT

Website: [www.phlp.org](http://www.phlp.org)

Toll Free Helpline in Pennsylvania 1-800-274-3258

#### Harrisburg Office

118 Locust Street  
Harrisburg, PA 17101

Phone: (215) 625-3990

FAX: (717) 233-4088

#### Philadelphia Office

Corn Exchange Building  
123 Chestnut Street, Suite 400  
Philadelphia, PA 19106

Phone: (215) 625-3990

FAX: (215) 625-3879

#### Pittsburgh Office

2325 E. Carson Street, First Floor  
Pittsburgh, PA 15203

Phone: (412) 434-5779

FAX: (412) 434-0128

### DISABILITY RIGHTS NETWORK OF PENNSYLVANIA

Website: <https://disabilityrightspa.org>

#### Harrisburg Office

301 Chestnut Street, Suite 300  
Harrisburg, PA 17011

Voice: (800) 692-7443

(717) 236-8110

TDD: (877) 375-7139

FAX: (717) 236-0192

#### Philadelphia Office

The Philadelphia Building  
1315 Walnut Street, Suite 500  
Philadelphia, PA 19107

Voice: (215) 238-8070

FAX: (215) 772-3126

#### Pittsburgh Office

429 Fourth Street, Suite 701  
Pittsburgh, PA 15219

Voice: (412) 391-5225

FAX: (412) 467-8940

# APPENDIX C: PROCEDURE FOR TELEPHONIC TESTIMONY IN FORMAL CASES

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## **RULE 1: Purpose and Scope**

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In-person testimony is normally preferable to testimony by telephone; however, there can be reasons to justify receiving testimony by telephone. This policy is promulgated to provide the conditions under which testimony by telephone may be scheduled and received, to safeguard the due process rights of the parties, and to ensure that testimony by telephone is received under uniformly applied rules. Testimony by telephone may be received only if granted by the regional manager or presiding ALJ and specifically authorized by this policy.

## **RULE 2: Scheduling of Telephonic Testimony**

---

- (a) BHA may schedule, on its own motion, or on the motion of either party, testimony by telephone of a party or witness when it appears from the record that the party or witness is located at least 50 miles from the location at which the tribunal will conduct the hearing, without regard to state boundaries.
- (b) BHA may schedule testimony by telephone of a party or witness, at the request of one or more parties, when one of the following applies:
  - (1) The parties consent to the receipt of testimony by telephone.
  - (2) The party or witness is reasonably unable to testify in person due to a compelling employment, transportation, or health reason, or other compelling problem.
- (c) The only party(ies) or witness(es) who may testify by telephone will be a party(ies) or witness(es) authorized to testify by telephone as specified in the ALJ's written order from BHA, or a party(ies) or witness(es) specified by the consent of the parties and approved by the ALJ. The testimony of every other party or witness shall be received in person.
- (d) The BHA will promptly rule on a request that testimony be taken by telephone. The basis for the request, the position of the parties, if known, and the ruling will be documented on the record.
- (e) A party or witness scheduled to testify by telephone will be permitted to testify in person.

## **RULE 3: Procedures Subsequent to Scheduling**

---

- (a) If a party moves to withdraw consent to the receipt of testimony by telephone prior to the taking of testimony, BHA will allow the withdrawal if it is found that the consent was not freely and knowingly given.
- (b) An objection to the receipt of testimony by telephone shall set forth the reasons in support thereof and shall be promptly communicated to BHA, but may not be asserted subsequent to the taking of testimony.
- (c) BHA will promptly rule on objections to testimony by telephone after a reasonable attempt to obtain the position of the other party. The basis for the objection, the position of the other party, if known, and the ruling will be documented on the record.

## **RULE 4: Notice of Testimony by Telephone**

---

- (a) When testimony by telephone is to be taken, BHA will mail the order granting telephonic testimony to the parties and, if known, to their counsel or authorized agent in advance of the hearing.

The hearing order will indicate:

- (1) The date and time of the hearing in prevailing Eastern time.
- (2) The names of counsel, authorized agent, parties and witnesses, if known, who are scheduled to appear or testify by telephone.



## **APPENDIX C: PROCEDURE FOR TELEPHONIC TESTIMONY IN FORMAL CASES**

---

(3) The telephonic testimony will be recorded.

(b) A party intending to testify, to offer the testimony of witnesses, or to be represented by telephone, shall, in advance of the beginning of the hearing, supply BHA with the name, location and telephone number of the persons who will so appear.

(c) When any testimony will be given from or with the aid of a document not previously distributed, the party expecting to introduce the document shall deliver it to BHA and the other party and, if known, counsel or authorized agent before or at the beginning of the testimony. BHA may require that the documents be delivered in advance of the hearing.

### **RULE 5: Conduct of a telephone Hearing**

---

(a) Before testimony is received, all parties will have the right to object to the telephonic testimony and to request that the witness appear in person.

(b) A party may pursue an objection to telephonic testimony at the hearing and shall set forth reasons in support thereof. If the objection is sustained, BHA will reschedule the hearing at a later date, either in person or by telephone. If the objection is not sustained, BHA may proceed with the hearing.

(c) At the start of the hearing, BHA will state on the record the time and telephone numbers at which BHA initiates the contact with any party, witness, legal counsel or authorized agent who is to testify or appear by telephone.

(d) The proceedings of the hearing will be recorded either via audio recording or steno graphically to preserve the record. A person testifying or appearing by telephone will be advised by BHA that the proceedings are being recorded.

(e) BHA will permit parties a reasonable opportunity to question other parties or witnesses testifying by telephone for the purpose of verifying the identity of the parties or witnesses.

(f) A party or witness not identified to BHA and all other parties before the beginning of the testimony will not be permitted to testify by telephone. Testimony taken or given in violation of this section will be excluded from consideration.

(g) A person may not prompt or direct the testimony of a witness testifying by telephone. Testimony taken or given in violation of this section may be excluded from consideration by BHA, with or without an objection from a party.

(h) A document not listed and provided as required by the applicable BHA rules may not be admitted nor testimony given or taken from it unless consent has been requested from and given by all parties and BHA. Testimony taken or given in violation of this section will be excluded from consideration, as will the document.

(i) The oath or affirmation administered to parties or witnesses testifying by telephone shall indicate that the parties or witnesses will not testify from documents that are not in the record and that their testimony will not be prompted or directed during the hearing by any other person.

### **RULE 6: Representation by Telephone**

---

The counsel or authorized agent of a party may appear at a hearing by telephone, provided prior written approval from the BHA has been obtained.