

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 15. DEPARTMENT OF ECONOMIC SECURITY

ARIZONA WORKS PROGRAM

Preamble

1. **Section Affected**

<u>Section Affected</u>	<u>Rulemaking Action</u>
R6-15-1004	New Section
R6-15-1005	New Section
R6-15-1006	New Section
R6-15-1102	Amend
R6-15-1103	New Section
Article 12	New Article
R6-15-1201	New Section
R6-15-1202	New Section
R6-15-1203	New Section
R6-15-1204	New Section
R6-15-1205	New Section
R6-15-1206	New Section
R6-15-1207	New Section
R6-15-1208	New Section
2. **The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing Statutes: A.R.S. §§ 46-349(D), 46-352(B), 46-352(C), and Laws 1997, Chapter 300 § 74

Implementing Statutes: A.R.S. §§ 46-349(D) and 46-352
3. **The effective date of the rules:**

March 22, 1999
4. **A list of all previous notices appearing in the Register addressing the final rule:**

None to date.
5. **The name and address of the agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Beth Hicks
Address:	Arizona Works Program c/o MAXIMUS, Inc. 305 East Main Suite 300 Mesa, Arizona 85201
Telephone:	(602) 668-4998
Fax:	(602) 668-7659
6. **An explanation of the rules, including the agency's reasons for initiating the rules:**

Laws 1997, Chapter 300 (SB 1357), as amended by Laws 1998, Chapter 211 (SB 1082), implements the Arizona Works Program. The Arizona Works program is a legislatively mandated state test of privatizing welfare eligibility services. The Arizona Works Agency, through the implementing statutes was given authority to establish administrative rules for specific sections of the Arizona Works Program. Arizona Works is a work-based program to provide Temporary Assistance for Needy Families (TANF) cash assistance and employment services to qualified low-income recipients in eastern Maricopa County. These rules set forth the eligibility and operational guidelines for certain aspects of the Arizona Works Program. The rules include a section with terminology drawn from federal law, state law, and from the actual language used in operation of the Arizona Works Program. These rules explain the aspects of the program regarding: (1) the subsidized employment program; (2) Intentional Program Violations; and (3) the appeals process. The rules set clear, legally enforceable standards and procedures for operation of the Arizona Works Program, which are consistent with federal and state laws governing the program.

Arizona Administrative Register
Notices of Exempt Rulemaking

7. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the final rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:**
Not applicable.
8. **A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
9. **The summary of economic, small business, and consumer impact:**
There is no significant impact attributable to the rules. The impact results from the statutory mandate to operate the Arizona Works Program. Arizona Works will provide TANF cash assistance and employment services to qualified, low-income families in eastern Maricopa County. Arizona Works will be funded through a combination of state and federal funds. Taxpayers bear the cost of the program. Low-income children and families receive the benefits and services of the program at no cost. The Arizona Works Agency will bear a minimal cost to write and implement the rules.
10. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**
Not applicable.
11. **A summary of the principle comments and the agency response to them:**
Not applicable.
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific agency or to any specific rule or class of rules:**
Not applicable.
13. **Incorporations by reference and their locations in the text:**
Not applicable.
14. **Was this rule previously adopted as an emergency rule?**
No.
15. **The full text of the rules follows:**

TITLE 6. ECONOMIC SECURITY

**CHAPTER 15. DEPARTMENT OF ECONOMIC SECURITY
ARIZONA WORKS PROGRAM**

ARTICLE 10. INTENTIONAL PROGRAM VIOLATIONS

Section

- R6-15-1004. Disqualification Proceedings
R6-15-1005. Disqualification Hearings
R6-15-1006. Appeals

ARTICLE 11. SUBSIDIZED EMPLOYMENT PROGRAM

- R6-15-1102. Subsidized Employer Program; Employer Participation
R6-15-1103. Limits on Employer Participation; Workforce Waiver

ARTICLE 12. APPEALS

- R6-15-1201. Entitlement to a Fact Finding Hearing
R6-15-1202. Request for a Fact Finding Hearing
R6-15-1203. Scheduling a Fact Finding Hearing
R6-15-1204. Notice of Fact Finding Hearing
R6-15-1205. Fact Finding Procedures; Grievance Officer
R6-15-1206. Fact Finding Hearing Procedures; Conduct of Proceeding
R6-15-1207. Fact Finding Hearing Procedures; Decision
R6-15-1208. Further Appeal

ARTICLE 10. INTENTIONAL PROGRAM VIOLATION

R6-15-1004. Disqualification Proceedings

- A.** The Agency shall initiate an administrative disqualification proceeding, or a referral for prosecution, upon receipt of suf-

icient documentary evidence substantiating that an Arizona Works group member has committed an IPV.

- B.** When the Agency initiates a disqualification proceeding, the Agency shall mail the Arizona Works group member suspected of an IPV written notice of the right to waive the disqualification hearing.
- C.** The waiver notice shall include the following information:
1. The charges against the applicant/recipient and a description of the evidence supporting the charges;
 2. An explanation of the disqualification sanctions imposed for intentional program violations;
 3. A warning that the administrative proceeding does not preclude other civil or criminal court action;
 4. The date by which the Agency must receive the signed waiver notice should the applicant/recipient wish to avoid the hearing;
 5. Signature lines for the applicant/recipient and the applicant/recipient's current caretaker relative if the applicant/recipient is not the caretaker relative;
 6. A statement that the caretaker relative must also sign the waiver if the applicant/recipient is not the caretaker relative;
 7. A statement of the applicant/recipient's right to remain silent concerning the charge;
 8. A warning that anything said, written, or signed by the applicant/recipient concerning the charge may be used against him or her in administrative proceedings or a court of law;

Arizona Administrative Register
Notices of Exempt Rulemaking

9. A warning that any waiver of the hearing establishes an IPV, eliminates the right to further administrative appeal, and will result in disqualification and a reduction in the cash assistance for other Arizona Works group members for the period of disqualification;
10. Statements providing the applicant/recipient an opportunity to admit to the facts supporting disqualification or waive the hearing without admitting to the facts;
11. The name, address, and telephone number of an Agency representative who the applicant may contact for further information;
12. A list of persons who and organizations which may provide the applicant/recipient with free legal advice regarding the IPV; and
13. A warning that the Agency shall hold any remaining group members responsible for repayment of any overpayment arising from the IPV.

D. For the purpose of imposing sanctions under R6-15-1002, a signed waiver notice has the same effect as an administrative adjudication that an IPV occurred.

R6-15-1005. Disqualification Hearings

- A.** If the applicant/recipient does not sign and return the waiver notice by the return date set in the waiver notice, the Agency shall conduct the IPV disqualification hearing and send the applicant/recipient a written notice of hearing by certified mail, return receipt requested, at least 30 days before the scheduled hearing.
- B.** The notice of hearing shall include the following information:
1. The date, time, and place of the hearing;
 2. The charges against the applicant/recipient;
 3. A summary of the evidence supporting the charges;
 4. The location where the applicant/recipient may examine the supporting documentation before the hearing;
 5. A warning that the grievance officer shall render a decision based solely on the information the Agency offers if the applicant/recipient does not appear for the hearing;
 6. An explanation of the applicant/recipient's right to show good cause for a failure to appear at the hearing and the procedure for doing so;
 7. An explanation of the sanctions the Agency shall impose if the grievance officer finds that the applicant/recipient committed an IPV;
 8. A listing of the applicant/recipient's procedural rights;
 9. A warning that the pending administrative hearing does not preclude other civil or criminal court action;
 10. A statement advising of any free legal advice which may be available;
 11. A statement explaining how to obtain a copy of the Agency's published hearing procedures; and
 12. A statement that the applicant/recipient may have the hearing postponed for good cause by contacting the grievance officer at least 10 calendar days before the hearing date and asking for a postponement.
- C.** The grievance officer shall postpone a hearing for up to 30 days if the applicant/recipient files a written request for postponement with the grievance official no later than 5 calendar days before the scheduled hearing date. Days of postponement increase the time for the grievance officer's decision, as provided in subsection (F).
- D.** At the start of the disqualification hearing, the grievance officer shall advise the applicant/recipient or representative of the right to remain silent during the hearing, and the consequences of exercising that right.

E. A grievance officer, as described in R6-15-1205, shall conduct the disqualification hearing pursuant to the procedures set forth in R6-15-1206 and R6-15-1207, except as prescribed in this subsection.

1. The applicant/recipient does not need to request a hearing.
2. The Agency shall prove, by clear and convincing presentation of the facts, that the household member committed an IPV.
3. So long as the Agency sent an advance notice of hearing as provided in subsections (A) and (B) in this Section, the grievance officer shall conduct the disqualification hearing even if the applicant/recipient or representative cannot be located or fails to appear at the hearing without good cause.

F. No later than 60 days from the date of the notice of hearing, as increased by any postponement days, the grievance officer shall send the suspected violator a written decision as described in R6-15-1207, and with the information described in R6-15-1002 (B).

R6-15-1006. Appeals

- A.** If an IPV is established through an administrative disqualification hearing the applicant/recipient may seek administrative review of the grievance officer's decision under A.R.S. Title 41, Chapter 6, Article 10.
- B.** If an IPV is established through a signed waiver of a disqualification hearing, the violator has no right to further administrative appeal.

ARTICLE 11. SUBSIDIZED EMPLOYMENT PROGRAM

R6-15-1102. Subsidized Employer Program; Employer Participation

- A.** To qualify for participation in the subsidized employment program, an employer shall:
1. Agree to place a participant in a position for a number of hours that is not less than that required by the federal work requirement and not more than 40 hours per week;
 2. Reasonably expect to offer the participant an opportunity for full-time, unsubsidized employment;
 3. Not put the participant in a position that will displace a regular employee;
 4. Limit the number of subsidized employees to at least 1 employee but no more than 10% of the workforce, unless the Agency grants a waiver allowing more under A.R.S. § 46-352(B);
 5. Pay wages that are equal to wages paid for similar jobs, with like adjustments for experience and skills, but never less than federal minimum wage;
 6. Provide on-the-job training, including workplace mentoring, to the degree a participant needs to perform job duties;
 7. If a registered contractor, provide on-the-job training by enrolling the participant in a program approved by the Department of Labor, Bureau of Apprenticeship and Training;
 8. Maintain safety, health, and working conditions at or above levels generally acceptable in the industry and no less than that of comparable jobs offered by the employer;
 9. Provide health care coverage, sick leave, holiday and vacation leave, and other comparable benefits in conformance with the employer's rules for temporary employees;
 10. Provide Worker's Compensation coverage;

11. Help the participant obtain any advance Earned Income Credit for which the participant may be eligible;
 12. Sign an agreement for each placement outlining the specific job offered to the participant and agreeing to abide by all requirements of the subsidized employment program.
- B.** If the employer satisfies the criteria listed in subsection (A), the employer may place a job order with the Agency. The order shall include the following information on the available position:
1. Days and hours of work,
 2. Wages,
 3. Description of responsibilities,
 4. Benefits,
 5. Opportunity for advancement, and
 6. Other pertinent job-related information.
- C.** An employer who wishes to hire a participant shall sign an agreement with the Agency.
1. The employer shall affirm that the employer satisfies all the criteria in this Section and shall continue to meet the criteria while participating in the Subsidized Employment Program.
 2. If the employer violates a Subsidized Employment Program requirement, the employer shall repay any reimbursements the employer receives after the date of the violation.
 3. The employer shall avoid conflicts of interest and the appearance of impropriety or favoritism in hiring practices, such as preferential hiring of relatives, friends, and business associates.
 4. The employer shall prepare and provide to the Agency the following reports:
 - a. Each week, the employer shall verify and sign a time sheet for each participant stating:
 - i. Gross wages,
 - ii. Participant net earnings,
 - iii. Number of paid hours of work (including paid hours of leave),
 - iv. Hours for which a participant was not paid because the participant had an unexcused absence, and
 - v. Hours for which the participant was not paid because the employer reduced available work hours.
 - b. For the 1st 3 months of a placement, the employer shall complete and provide to the Agency, no later than the 10th workday of each calendar month following a month of work, a 1-page report on each participant's performance with the following information:
 - i. Skills (competencies) gained as a result of employment;
 - ii. Ability to correctly and timely complete assignments;
 - iii. General work habits such as punctuality, absenteeism, and neatness of work area; and
 - iv. Development of effective and efficient working relationships with people, including supervisors, peers, and subordinates.
 5. An employer shall allow Agency staff to schedule and make visits to the work site to observe a participant's work activities and interview the participant.
- D.** The employer, an Agency representative, and the participant shall sign and date the agreement.
- E.** An employer who wishes to participate in the Subsidized Employment Program shall also provide the Agency with a signed, dated, and certified form. On the form, the employer shall certify that the information listed below is true, as to the employer, and its principal officers and directors.
1. The employer is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency, the State of Arizona, or any other state.
 2. The employer has not, within the preceding 3 years, been convicted of or had a civil judgment rendered against the employer for:
 - a. Fraud,
 - b. Antitrust,
 - c. Embezzlement,
 - d. Theft,
 - e. Forgery,
 - f. Bribery,
 - g. Falsification or destruction of records,
 - h. Making false statements, or
 - i. Receiving stolen property.
- F.** For each participant the Agency shall reimburse an employer in an amount not to exceed \$300 per month.
- G.** The Agency shall issue the reimbursement no later than the 25th day of the same calendar month in which the employer's report is timely received. Late receipt of the form may delay reimbursements.
- H.** An employer who disagrees with the amount of an unsubsidized payment, or who is subject to adverse action under subsection (I), may file a grievance with the Agency.
- I.** The Agency shall conduct grievance procedures according to R6-10-303, except that the Agency will substitute for the Department.
- J.** The Agency shall terminate the employer's participation in the Subsidized Employment Program if the employer has shown a pattern of either terminating participants before the completion of training or of not offering unsubsidized employment to participants who have successfully completed training with the employer.
1. The Agency shall consider each occurrence of either circumstance in establishing the pattern.
 2. The Agency shall not allow the employer to participate in the Subsidized Employment Program if the total occurrences exceed the greater of the following figures, unless the employer can establish good cause:
 - a. 2 occurrences; or
 - b. 20% of the total number of participants placed with the employer.
 - c. If the employer claims good cause, the employer shall provide proof that the participant failed to meet the employer's requirements under R6-15-11.01(G), and that the employer attempted to establish a reasonable alternative with the participant but was unsuccessful, due to circumstances beyond the employer's control.
- K.** If the Agency determines that an employer has violated Subsidized Employment Program requirements, the Agency shall take all of the following adverse actions against the employer:
1. Withhold any subsidized payments due the employer, following the date of the violation;
 2. Seek repayment of any amounts overpaid to the employer; and
 3. Bar the employer from further participation in the Subsidized Employment Program.

- L.** If the Agency plans to take adverse action against an employer, the Agency shall send the employer a written notice of adverse action. The notice shall include:
1. The name and address of the employer.
 2. The action taken and the reason for the adverse action.
 3. The authority for the action, and
 4. The employer's appeal rights.

R6-15-1103. Limits on Employer Participation; Workforce Waiver

- A.** An employer may hire 1 or more participants but shall not fill more than 10% of the employer's total workforce at a work site with participants unless the Agency approves a workforce waiver for the employer.
- B.** An employer interested in obtaining a workforce waiver shall request the workforce waiver in writing to the Agency. The employer shall provide the following information concerning the work site for which the employer seeks a waiver:
1. Employee data, including:
 - a. The number of employees employed at the work site;
 - b. The number and type of positions available to participant; and
 - c. The wages and hours of the available positions;
 2. The percentage of the employer's workforce that the employer seeks to fill with participants and the total participant workforce percentage if the requested waiver is approved;
 3. A statement that existing employees will not be displaced by the waiver, by the increased numbers of participants that may be hired; and
 4. A statement explaining why the potential hires will benefit.
- C.** The Agency shall consider the information provided by the employer and the following factors in determining whether to grant the requested waiver:
1. Lack of suitable positions with other employers;
 2. Quality of the employer's training and mentoring program;
 3. Transferability of skills to other employment opportunities;
 4. Local labor market factors affecting the employability of persons with the skills to be acquired;
 5. Employer's history regarding permanent hiring of participants in unsubsidized employment; and
 6. Wages, advancements, and other comparable factors.
- D.** The Agency shall send the employer a written notice advising the employer as to:
1. Whether the Agency will grant a waiver;
 2. The waiver percentage allowed; and
 3. The time period for the waiver, which shall not exceed 1 year.
- E.** The Agency shall not be obligated to renew a waiver and may cancel a waiver on 60 days' notice to the employer.

ARTICLE 12. APPEALS

R6-15-1201. Entitlement to a Fact Finding Hearing

- A.** An applicant for or participant in Arizona Works is entitled to a fact finding hearing to contest the following Agency actions:
1. Denial of the right to apply for Arizona Works assistance;
 2. Complete or partial denial of an application for Arizona Works assistance;
 3. Failure to make an eligibility determination on an application within 45 days of the application date;

4. Suspension, termination, reduction, or withholding of Arizona Works assistance except as provided in subsection (C);
5. The existence or amount of an overpayment attributed to the group, or the terms of a plan to repay the overpayment;
6. Changing the manner or form of payment, including naming a protective payee to receive the benefit payment;
7. Denial or termination of child care benefits;
8. Assignment of the applicant to a particular employment level that the applicant believes is inappropriate; or
9. An action on the part of the Agency that adversely affects the applicant's benefits.

- B.** The Agency shall process all appeals arising out of Arizona Works cash assistance matters, including cash assistance overpayment decisions. The Department shall process all appeals arising out of Food Stamp, Medicaid, General Assistance, and Child Care matters for Arizona Works recipients.

- C.** Applicants and participants are not entitled to a fact finding hearing to challenge benefit adjustments made automatically as a result of changes in federal or state law, unless the Agency has incorrectly applied the law to the individual seeking the hearing.

- D.** If an appellant files a timely request for appeal, the Agency shall stay imposition of the adverse action and continue benefits at the current level unless:

1. The appellant specifically waives continuation of current benefits;
2. The appeal results from a change in federal or state law which mandates an automatic grant adjustment for all classes of recipients, and does not involve a misapplication of the law; or
3. The appellant is requesting continuation of benefits beyond their federal lifetime limit of 60-months.

- E.** The adverse action shall be stayed until receipt of an official written decision in favor of the Agency, except in the following circumstances:

1. At the fact finding the grievance officer finds that: the sole issue involves application of law, and the Agency properly applied the law and computed the benefits due the appellant;
2. A change in eligibility or benefit amount occurs for reasons other than those being appealed, and the assistance unit receives and fails to timely appeal a notice of adverse action concerning such change;
3. Federal or state law mandates an automatic grant adjustment for classes of recipients;
4. The appellant withdraws the request for a fact finding hearing; or
5. The appellant fails to appear without good cause for a scheduled hearing without prior notice to the Agency grievance officer, and the grievance officer does not rule in favor of the appellant based upon the record.

- F.** Upon receipt of decision in favor of the Agency, the Agency shall write an overpayment for the amount of any benefits the unit received in excess of the correct benefit amount, while the stay was in effect.

R6-15-1202. Request for a Fact Finding Hearing

- A.** A person who wishes to appeal an adverse action shall file a written request for a fact finding hearing with an Agency office, within 5 working days after the date of receipt by the recipient.
- B.** Any document mailed by the Agency is deemed received by the addressee 10 days after the date it is mailed to the

Arizona Administrative Register
Notices of Exempt Rulemaking

addressee's last known address. The date mailed is presumed to be the date shown on the document, unless otherwise indicated by the facts. Time is computed in accordance with Rule 6(a) of the Rules of Civil Procedure.

- C.** A request for a hearing is deemed filed:
1. On the date it is mailed, if transmittal via the United States Postal Service or its successor. The mailing date is as follows:
 - a. As shown by the postmark;
 - b. As shown by the postage meter mark of the envelope in which it is received, if there is no postmark; or
 - c. The date entered on the document as the date of its completion, if there is no postmark, or no postage meter mark, or if the mark is illegible.
 2. On the date actually received by the Agency, if not sent through the mail as provided in subsection (1).
- D.** The submission of any document is timely if the appellant proves that delay in submission was due to Agency error or misinformation, or to delay caused by the U.S. Postal Service or its successor.
- E.** The Agency shall deny any request that is not timely filed. A party may request an appeal on the timeliness of an appeal. If the appellant can show good cause for the late filing of an appeal, the appeal shall be considered timely filed.

R6-15-1203. Scheduling a Fact Finding Hearing

The Agency shall schedule and conduct the fact finding hearing at the office location most convenient to the appellant, within 30 days after the notice of appeal is filed.

R6-15-1204. Notice of Fact Finding Hearing

- A.** The Agency shall issue all interested parties a notice of the fact finding at least 5 calendar days before the hearing.
- B.** The notice of fact finding shall be in writing and shall include the following information:
1. The date, time, and place of the hearing;
 2. The name of the grievance officer;
 3. The issues involved in the case;
 4. A statement listing the appellant's rights, as follows:
 - a. To appear in person, or by telephone if incapacitated;
 - b. To have a representative present the case;
 - c. To copy, at a reasonable time prior to the hearing, or during the hearing, any documents in the appellant's case file which are relevant to the issues being heard, and all documents the Agency may use at the hearing;
 - d. To obtain, from the Agency, information on available community legal resources who may be able to represent the appellant.

R6-15-1205. Fact Finding Procedures; Grievance Officer

- A.** The Agency shall appoint an impartial grievance officer to conduct all hearings.
- B.** An appellant may request a change in grievance officer if the appellant so requests at least 5 days prior to the hearing. The appellant is limited to 1 request.
- C.** The grievance officer shall:
1. Regulate and conduct the hearing in an orderly and dignified manner, which avoids undue repetition and affords all participants an opportunity to provide relevant information;
 2. Ensure that all relevant issues are considered;
 3. Exclude irrelevant information from the record;
 4. Request, receive, and incorporate all relevant information into the decision making process;

5. Order, when relevant and useful to a resolution of the issue in a case, an independent medical assessment or professional evaluation from a source mutually satisfactory to the appellant and the Agency;
6. Open, conduct, and close the hearing;
7. Rule on the admissibility of information at a hearing;
8. Direct the order of presentation at the hearing;
9. For good cause shown, and upon the request of an interested party, or on the grievance officer's own motion, take such action as the grievance officer deems necessary to the proper disposition of an appeal, including, without limitation, the following:
 - a. Disqualify himself or herself from the case;
 - b. Continue the hearing to a future time or date;
 - c. Prior to entry of a final decision, reopen the hearing to include additional information;
 - d. Deny or dismiss the appeal or request for hearing in accordance with the provisions of this article;
 - e. Exclude non-party witnesses from the hearing room; and
10. Issue a written decision deciding the appeal.

R6-15-1206. Fact Finding Hearing Procedures; Conduct of Proceeding

- A.** Standard and burden of proof.
1. The hearing is a de novo proceeding. To prevail on appeal, the appellant must prove eligibility for assistance by a preponderance of the evidence.
 2. The Appellant has the initial burden of going forward with presentation of relevant information.
 3. The appellant must provide information that the adverse action that is being challenged is not based on reasonable information.
- B.** Appearance by parties and representatives.
1. An appellant that is incapacitated may appear via telephone conference call or submit a written statement, instead of appearing personally at the hearing. The appellant shall file the personal statement with all other witness statements and documents the appellant wishes to offer with the grievance officer before or at the time of the hearing.
 2. The Arizona Works case manager, Arizona Works supervisor, or another appropriate person may provide information for the Agency at the hearing.
- C.** Presentation of the facts.
1. The appellant may present information, question witnesses, or present arguments as to why the action taken is unlawful or improper.
 2. The agency will then present information to explain or justify their action.
 3. The grievance officer shall exclude irrelevant information from the record.
- D.** The record. The grievance officer shall keep a complete record of all proceedings in connection with an appeal. The appellant or the appellant's designated representative may inspect the record on appeal during regular office hours.

R6-15-1207. Fact Finding Hearing Procedures; Decision

- A.** No later than 60 days after the date the appellant files a request for appeal, the grievance officer shall issue a written decision based solely on the information provided at the hearing, and on applicable federal and state law. The time limit is extended for any delay that is determined to be good cause on the part of the appellant.
- B.** The decision shall include:
1. Findings of facts pertinent to the issue;

2. Citations to the law and authority applicable to the case;
 3. A statement of conclusions derived from the controlling facts and law, and the reasons for the conclusions; and
 4. A statement of further appeal rights available to the appellant and the time period for exercising those rights.
- C.** The Agency shall mail or deliver a copy of the decision to each interested party or the party's attorney of record.
- D.** The grievance officer's decision is the final Agency decision.
- R6-15-1208. Further Appeal**
- A.** An applicant or recipient may seek administrative review of the agency hearing officer's decision under A.R.S. Title 41, Chapter 6, Article 10.
- B.** An applicant or recipient may seek judicial review of the administrative hearing officer's decision under A.R.S. Title 12, Chapter 7, Article 6.