

Pt. 213

providing them. It extends to all facilities and services provided by the Administration or an agency to an individual, and to the arrangements and the procedures under this part relating thereto, in connection with reception and temporary assistance under the Act.

[39 FR 26548, July 19, 1974, as amended at 60 FR 19864, Apr. 21, 1995]

PART 213—PRACTICE AND PROCEDURE FOR HEARINGS TO STATES ON CONFORMITY OF PUBLIC ASSISTANCE PLANS TO FEDERAL REQUIREMENTS

Subpart A—General

- Sec.
- 213.1 Scope of rules.
- 213.2 Records to be public.
- 213.3 Use of gender and number.
- 213.4 Suspension of rules.
- 213.5 Filing and service of papers.

Subpart B—Preliminary Matters—Notice and Parties

- 213.11 Notice of hearing or opportunity for hearing.
- 213.12 Time of hearing.
- 213.13 Place.
- 213.14 Issues at hearing.
- 213.15 Request to participate in hearing.

Subpart C—Hearing Procedures

- 213.21 Who presides.
- 213.22 Authority of presiding officer.
- 213.23 Rights of parties.
- 213.23a Discovery.
- 213.24 Evidentiary purpose.
- 213.25 Evidence.
- 213.26 Exclusion from hearing for misconduct.
- 213.27 Un-sponsored written material.
- 213.28 Official transcript.
- 213.29 Record for decision.

Subpart D—Posthearing Procedures, Decisions

- 213.31 Posthearing briefs.
- 213.32 Decisions following hearing.
- 213.33 Effective date of Administrator's decision.

AUTHORITY: Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302.

SOURCE: 36 FR 1454, Jan. 29, 1971, unless otherwise noted.

45 CFR Ch. II (10–1–10 Edition)

Subpart A—General

§ 213.1 Scope of rules.

(a) The rules of procedure in this part govern the practice for hearings afforded by the Department to States pursuant to §201.4 or §201.6 (a) or (b) of this chapter, and the practice relating to decisions upon such hearings. These rules may also be applied to hearings afforded by the Department to States in other Federal-State programs for which Federal administrative responsibility has been delegated to the Service.

(b) Nothing in this part is intended to preclude or limit negotiations between the Department and the State, whether before, during, or after the hearing to resolve the issues which are, or otherwise would be, considered at the hearing. Such negotiations and resolution of issues are not part of the hearing, and are not governed by the rules in this part, except as expressly provided herein.

§ 213.2 Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs, decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the FSA Hearing Clerk. Inquiries may be made at the Central Information Center, Department of Health and Human Services, 330 Independence Avenue SW., Washington, DC 20201.

[36 FR 1454, Jan. 29, 1971, as amended at 53 FR 36580, Sept. 21, 1988]

§ 213.3 Use of gender and number.

As used in this part, words importing the singular number may extend and be applied to several persons or things, and vice versa. Words importing the masculine gender may be applied to females or organizations.

§ 213.4 Suspension of rules.

Upon notice to all parties, the Administrator or the presiding officer, with respect to matters pending before him and within his jurisdiction, may modify or waive any rule in this part upon determination that no party will