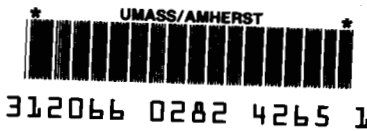


MASS. HS90.2: Ap48



The Commonwealth of Massachusetts

Office of Commissioner of Veterans' Services

JOHN HALACHIS
COMMISSIONER



GOVERNMENT DOCUMENTS
COLLECTION

OCT 3 1988

University of Massachusetts
Depository Copy

APPEALS

EXPLANATION OF THE HEARING PROCESS

EXPLANATION OF THE HEARING PROCESS FOR
VETERANS' SERVICES APPLICANTS AND/OR RECIPIENTS

GENERAL INFORMATION:

THE HEARING IS A QUASI-JUDICIAL PROCEEDING, CONDUCTED BY AN IMPARTIAL OFFICIAL OF THE DIVISION OF HEARINGS OFFICERS, AT WHICH YOU AND THE LOCAL VETERANS' AGENT HAVE THE OPPORTUNITY TO PRESENT ANY INFORMATION RELEVANT TO THE VETERANS' AGENTS' ACTION.

IF YOU SO DESIRE, YOU WILL BE ABLE TO INSPECT ALL THE CONTENTS OF YOUR FILE SOME-TIME PRIOR TO THE SCHEDULED DATE OF YOUR HEARING BY MAKING ARRANGEMENTS WITH YOUR LOCAL VETERANS' AGENT.

AFTER RECEIPT OF NOTICE OF YOUR HEARING:

IF YOU ARE UNABLE TO ATTEND AT THAT TIME, YOU MUST CONTACT THE DIVISION OF HEARINGS OFFICERS AS SOON AS POSSIBLE SO THAT YOUR HEARING MAY BE RESCHEDULED. FAILURE TO APPEAR AT THE HEARING WITHOUT GOOD CAUSE WILL RESULT IN THE DISMISSAL OF THE APPEAL. EXAMPLES OF GOOD CAUSES ARE: DEATH IN THE IMMEDIATE FAMILY; PERSONAL INJURY OR ILLNESS; INJURY OF ILLNESS TO FAMILY MEMBER WHICH REASONABLY PROHIBITS YOU FROM ATTENDING THE HEARING; AND EMERGENCIES. IF YOU BELIEVE THAT GOOD CAUSE EXISTS, YOU WILL HAVE TEN(10) FULL DAYS AFTER THE ORIGINAL HEARING DATE IN WHICH TO SEEK A NEW HEARING FROM THE DIVISION OF HEARINGS OFFICERS.

IF YOU DO NOT WISH TO APPEAR AND HAVE AN ORAL HEARING, A DECISION CAN BE MADE ON YOUR APPEAL BY HAVING THE DIVISION OF HEARINGS OFFICERS REVIEW YOUR WRITTEN RECORD. YOU CAN MAKE THIS CHOICE BY NOTIFYING THE DIVISION OF HEARINGS OFFICERS PRIOR TO YOUR SCHEDULED HEARING DATE. IF YOU WISH TO UTILIZE THIS METHOD, YOU STILL HAVE THE RIGHT TO INVESTIGATE YOUR RECORDS AND SUBMIT INFORMATION TO THE DIVISION OF HEARINGS OFFICERS IN WRITING.

CONDUCT OF THE HEARING:

AT THE HEARING YOU MAY SPEAK FOR YOURSELF OR YOU MAY BE ASSISTED BY A REPRESENTATIVE, FRIEND, FAMILY MEMBER, LEGAL SERVICE ATTORNEY, OR A PRIVATE ATTORNEY AT YOUR OWN EXPENSES. YOU HAVE THE RIGHT AT THE HEARING TO:

1. PRESENT WITNESSES, AS WELL AS COMPEL THE APPEARANCE OF A WITNESS, THROUGH THE POWER OF SUBPOENA, IF NECESSARY;
2. PRESENT ALL RELEVANT FACTS AND CIRCUMSTANCES BY ORAL TESTIMONY AND DOCUMENTARY EVIDENCE;
3. ADVANCE ANY PERTINENT ARGUMENTS WITHOUT ANY UNDUE INTERFERENCE;
4. QUESTION OR REFUTE ANY TESTIMONY DURING THE HEARING, INCLUDING AN OPPORTUNITY TO CONFRONT AND CROSS-EXAMINE THE WITNESSES.

THE LOCAL VETERANS' AGENT HAS SIMILAR RIGHTS.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS INFORMATION, CALL YOUR LOCAL VETERANS' AGENT.

8.13: APPLICANT'S FAILURE TO APPEAR

(1). IF AN APPLICANT FAILS TO APPEAR AT A SCHEDULED HEARING, THE HEARING OFFICER SHALL SEND AN ORDER OF DISMISSAL FOR WANT OF PROSECUTION TO THE APPLICANT INFORMING HIM THAT HE HAS TEN (10) DAYS TO REMOVE THE ORDER OF DISMISSAL.

(2). IF THE APPLICANT CAN CONVINCED THE HEARING OFFICER THAT HIS ABSENCE FROM THE HEARING WAS FOR A JUST CAUSE, THE HEARING OFFICER CAN RESCHEDULE FOR A NEW HEARING DATE.

(3). IF, AFTER TEN (10) DAYS HAS EXPIRED AND THE APPLICANT HAS NOT REMOVED THE ORDER OF DISMISSAL, THE HEARING OFFICER SHALL NOTIFY THE COMMISSIONER, WHO, IN TURN, WILL NOTIFY THE APPLICANT AND THE VETERANS' AGENT, IN WRITING, THAT, BECAUSE THE APPLICANT FAILED TO FILE A MOTION TO REMOVE THE DISMISSAL, THE APPEAL IS DENIED.

8.14: DECISIONS

THE FINAL DECISIONS ON THE APPEAL CASE SHALL BE MADE BY THE COMMISSIONER OF VETERANS' SERVICES IN ACCORDANCE WITH THE LAW AND REGULATIONS.

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R E G U L A T I O N

8.09: COMMISSIONER'S APPEAL AUTHORITY

PURSUANT TO M.G.L. C. 115, S.2 PARAGRAPH 3, THE COMMISSIONER IS AUTHORIZED TO DECIDE ALL CONTROVERSIES BETWEEN AN APPLICANT AND A VETERANS' AGENT.

8.10: DELEGATION OF COMMISSIONER'S AUTHORITY

(1). THE COMMISSIONER HAS ENTERED INTO AN INTERAGENCY AGREEMENT BETWEEN OCVS AND THE DIVISION OF HEARING OFFICER, OF THE EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE, TO DECIDE CONTROVERSIES WHICH ARE CONCERNED WITH THE VALIDITY OR AMOUNT OF AN APPLICANT'S CLAIM FOR BENEFITS.

8.11: AUTHORITY OF THE DIVISION OF HEARING OFFICERS

(1). IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. C. 7, S. 4H, AS AMENDED, AND ARTICLE 1.02 OF THE EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE REGULATIONS, THE DIVISION SHALL CONDUCT ALL ADJUDICATORY HEARINGS ARISING OUT OF APPEALS FROM NOTICES OF ACTION BY VETERANS' AGENTS, WHICH DENY, REDUCE, TERMINATE, OR SUSPEND BENEFITS TO AN APPLICANT OR RECIPIENT.

(2). THE HEARING OFFICER SHALL CONDUCT THE HEARINGS IN ACCORDANCE WITH THE APPLICABLE ADJUDICATORY RULES OF PRACTICE AND PROCEDURE, AND SHALL MAKE FINDINGS OF FACT AND RULINGS OF LAW.

8.12: APPEAL PROCEDURES

(1). AN APPLICANT OR RECIPIENT OR AN AUTHORIZED REPRESENTATIVE MAY APPEAL TO THE COMMISSIONER OF VETERANS' SERVICES FROM A DECISION OF A VETERANS' AGENT BY FILING A WRITTEN REQUEST FOR AN APPEAL AND A HEARING IN THE MANNER DESCRIBED IN THE NOTICE OF ACTION WHICH HE RECEIVED, PROVIDED SUCH APPEAL IS MADE WITHIN THIRTY DAYS (30) OF THE RECEIPT OF THE NOTICE OF ACTION.

(2). WHEN HE RECEIVES A LETTER OF APPEAL, THE CLERK OF THE APPEALS SECTION SHALL DATE STAMP THE LETTER AND RECORD THE APPEAL IN THE JOURNAL.

(3). THE CLERK SHALL SEND A LETTER OF ACKNOWLEDGEMENT TO THE APPLICANT AND A COPY OF THE LETTER TO THE VETERANS' AGENT.

(4). THE CLERK SHALL SEND A REQUEST TO THE INVESTIGATION DIVISION FOR A SPECIAL APPEAL INVESTIGATION.

(5). THE CLERK SHALL FORWARD TO THE DIVISION OF HEARING OFFICERS THE ORIGINAL COPY OF THE APPEAL LETTER AND ALSO A COPY OF THE NOTICE OF ACTION

(6). THE HEARING OFFICER SHALL DETERMINE THE DATE, TIME, AND PLACE FOR THE HEARING, AND HE IS RESPONSIBLE FOR SENDING OUT THE NOTICE OF HEARING

APPEAL PROCESS

NOTICE OF ACTION

PHASE 1

LETTER OF APPEAL TO COMMISSIONER

REVIEW BY THE CLERK OF APPEAL BOARD
TO TYPIST

LETTER TO APPELLANT LETTER TO VETERANS AGENT LETTER TO INVESTIGATOR

PHASE 2

TO HEARING OFFICER

EXHIBIT #1
NOTICE OF ACTION

EXHIBIT #2
LETTER OF APPEAL

PHASE 3

FROM HEARING OFFICER
NOTICE OF HEARING
EXPLANATION OF PROCESS

APPELLANT

VETERANS AGENT

COMMISSIONER

PHASE 4

AFTER THE HEARING

RECOMMENDED DECISION
RIGHT OF OBJECTION WITHIN 10 DAYS

APPELLANT

VETERANS AGENT

COMMISSIONER

PHASE 5

COMMISSIONER'S DECISION

APPELLANT

VETERANS AGENT

FROM HEARING OFFICER

TO APPELLANT

COMMISSIONER

ORDER TO SHOW CAUSE
IF APPELLANT FAILED TO APPEAR
AT HEARING.

HE IS GIVEN AN OPPORTUNITY TO
SUBMIT GOOD CAUSE WHY HE FAILED
TO APPEAR AT HEARING.
HEARING OFFICER MAY RE-SCHEDULE
NEW HEARING DATE.

WITHDRAWAL OF APPEAL
THE NAMES OF ALL APPELLANTS
WHO REQUESTED TO WITHDRAW
THEIR APPEALS.

GUIDELINES FOR APPEAL HEARINGS

1. THE MOST IMPORTANT ELEMENT OF AN APPEAL HEARING IS THAT A PROPER NOTICE OF ACTION MUST BE SENT IN ALL CASES WHICH ARE DENIED, SUSPENDED, TERMINATED, OR REDUCED.
2. (A). PARTICULAR ATTENTION SHOULD BE GIVEN TO QUESTION #3 OF THE NOTICE OF ACTION FORM, (THE REASON FOR THE ACTION) AND QUESTION #4, (THE SPECIFIC REGULATION AND/OR LAW ON WHICH THE ACTION IS BASED).
(B). IN CASES REQUIRING MORE DETAILED EXPLANATION, A LETTER MAY BE ADDED TO THE NOTICE OF ACTION, AND BOTH ARE SENT TO THE APPLICANT AND THE STATE OFFICE.
3. THE VETERANS' AGENT OR HIS REPRESENTATIVE SHOULD APPEAR AT THE HEARING AND BRING THE ENTIRE FOLDER ON THE CASE WITH HIM. HE SHOULD ALSO PREPARE PHOTOCOPIES OF ALL THE PERTINENT DOCUMENTS WHICH WILL BE GIVEN TO THE HEARING OFFICER FOR HIS RECORDS. EXAMPLES OF SUCH DOCUMENTS ARE THE APPLICATION FORM, AND ANY OTHER V.S. FORMS, LETTERS, MEDICAL RECORDS, ETC. WHICH ARE NEEDED TO SUPPORT YOUR CASE.
4. EVEN THOUGH THE STATE OFFICE HAS A REPRESENTATIVE AT THE HEARING, THE VETERANS' AGENT OR HIS REPRESENTATIVE IS REQUIRED TO APPEAR, SINCE HE SIGNED THE NOTICE OF ACTION AND IS EXPECTED TO PRESENT HIS CASE AT THE HEARING IN SUPPORT OF HIS ACTION.
5. IF THE VETERANS' AGENT OR HIS REPRESENTATIVE CANNOT APPEAR AT THE HEARING ON THE DATE SPECIFIED, HE HAS A RIGHT TO CONTACT THE HEARING OFFICER IN ADVANCE AND ASK FOR A POSTPONEMENT.

IF THERE IS A VALID REASON THAT A LOCAL VETERANS' AGENT CANNOT APPEAR AT THE HEARING AT ANY TIME, A LETTER SHOULD BE SENT TO THE HEARING OFFICER, PRIOR TO THE HEARING DATE, SETTING FORTH THE ENTIRE FACTS OF THE CASE AND COPIES OF ALL PERTINENT DOCUMENTS. THE STATE OFFICE SHOULD ALSO BE NOTIFIED IN ADVANCE OF THE HEARING.

SUGGESTIONS FROM THE COMMISSIONER

APPEAL HEARINGS

AT A HEARING YOU ARE PRESENTING EVIDENCE OF PAST ACTS WHICH ARE LONG GONE, SO:

1. PUT IT IN WRITING, ALL OF IT AND KEEP COPIES. WHILE ORAL STATEMENTS ARE AS LEGALLY EFFECTIVE AS WRITTEN ONES, THEY'RE HARDER TO PROVE AND HARDER STILL TO REMEMBER.
2. KEEP A RECORD OF EVERYTHING YOU DO, AND WRITE IT DOWN AS YOU DO IT, NOT LATER.
3. KEEP THE APPLICANT INFORMED, ESPECIALLY AT THE ORIGINAL APPLICATION PROCESS. GO OVER THE APPLICATION LINE BY LINE, SO THAT HE/SHE UNDERSTANDS THE CONDITIONS UNDER WHICH THEY ARE TO RECEIVE VETERANS' BENEFITS.
4. REFER TO THE REGULATIONS BEFORE YOU ACT EVERY TIME, MAKING SURE THE APPLICANT UNDERSTANDS WHAT YOU ARE GOING TO DO, BEFORE YOU DO IT.
5. GET IT (COPIES OF ALL RECORDS, EMPLOYERS, DES CARDS, MEDICAL, ETC.); AND GET IT IN WRITING. EVIDENCE IS STRONGEST IF IT CAN SPEAK FOR IT'S SELF.
6. BEFORE SENDING THE NOTICE OF ACTION, SEND A WRITTEN WARNING, IF POSSIBLE. REMEMBER SOME REGULATIONS REQUIRE A PRIOR WARNING (NON-COOPERATION 8.06, ITE, (2) LETTER OF INTENT). IT'S GOOD POLICY, IT MAY SOLVE THE PROBLEM AND IT'S STRONG EVIDENCE.
7. BEFORE SENDING THE NOTICE OF ACTION, REVIEW IT, THINK BEFORE IT IS SENT TO THE APPLICANT. UNDER WHAT AUTHORITY AM I ACTING? ON WHAT REGULATIONS IS MY ACTION BASED?
8. REFER TO THE REGULATIONS TO SEE IF YOU MUST CONTINUE BENEFIT PAYMENTS. (8.03), PENDING APPEAL.
9. BRING EVERYTHING WITH YOU TO THE HEARING. IF YOU FAIL TO BRING EVERYTHING, IT CAN'T BE USED.
10. SHOW UP! IF IT'S YOUR WORD AGAINST HIS, AND YOUR NOT THERE, IT WILL PROBABLY BE HIS WORD.

SUGGESTIONS FROM THE HEARING OFFICER

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK. SS

DIVISION OF HEARINGS OFFICERS
ROOM 1012, ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108
(617) 727-7060

APPEAL OF:

DATE:

APPELLANT:

FROM A DECISION OF THE:

DOCKET NO. VS -

VETERANS' SERVICE DEPT
RESPONDENT

NOTICE OF HEARING

PURSUANT TO M.G.L. CHAPTER 7, SECTION 4H, YOU ARE HEREBY NOTIFIED THAT A HEARING ON THE ABOVE APPEAL WILL BE HELD ON _____ AT _____, AT THE OFFICES OF THE DIVISION OF HEARINGS OFFICERS, ROOM 1021, ONE ASHBURTON PLACE, BOSTON, MASSACHUSETTS.

YOU ARE HEREBY FURTHER NOTIFIED OF YOUR RIGHT TO BE REPRESENTED BY COUNSEL AT THIS HEARING.

FAILURE OF THE APPELLANT TO APPEAR IN PERSON OR BY AN AUTHORIZED REPRESENTATIVE, WITHOUT A SHOWING OF GOOD CAUSE, WILL RESULT IN A RECOMMENDATION THAT THE APPEAL BE DISMISSED DUE TO LACK OF PROSECUTION. FAILURE OF THE RESPONDENT VETERANS' SERVICES DEPARTMENT TO APPEAR WILL RESULT IN THE CASE BEING HEARD AND DECIDED ON THE APPELLANT'S EVIDENCE.

IN ORDER TO CLARIFY THE ISSUES, BOTH PARTIES MAY, PRIOR TO THE TIME SET FOR THE HEARING, PRESENT ALL DOCUMENTS NOT PREVIOUSLY SUBMITTED. ALL PAPERS SHOULD BE SENT TO THE DIVISION OF HEARINGS OFFICERS AND COPIES THEREOF SHOULD BE SERVED ON ALL OTHER PARTIES TO THE PROCEEDINGS. ALL PROCEEDINGS ARE CONDUCTED UNDER THE STANDARD ADJUDICATORY RULES OF PRACTICE AND PROCEDURE (108 CMR SECTION 8.00 - INFORMED RULE).

NOTE: WE HAVE ALLOTTED ONE (1) HOUR FOR THE PRESENTATION OF THIS CASE. IF YOU ANTICIPATE THAT ADDITIONAL TIME WILL BE NECESSARY, YOU SHOULD CONTACT THIS OFFICE IMMEDIATELY.

DIVISION OF HEARINGS OFFICERS

NOTICE SENT TO:

HEARINGS OFFICER



MICHAEL S. DUKAKIS
GOVERNOR

JOHN HALACHIS
COMMISSIONER

The Commonwealth of Massachusetts

Executive Office of Human Services

Office of Commissioner of Veterans' Services

Leverett Saltonstall Building, Government Center

100 Cambridge Street, Boston 02202

RE: PETITIONER:
RESPONDENT:

DEAR

ENCLOSED PLEASE FIND A COPY OF THE PROPOSED DECISION WHICH WAS RECOMMENDED BY THE HEARING OFFICER ON THE ABOVE-CAPTIONED MATTER.

PLEASE BE ADVISED THAT YOU HAVE THE RIGHT TO FILE OBJECTIONS AND PRESENT WRITTEN ARGUMENT TO THE COMMISSIONER OF VETERANS' SERVICES WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE.

YOUR OBJECTION AND WRITTEN ARGUMENT SHOULD BE ADDRESSED
TO

COMMISSIONER OF VETERANS' SERVICES
100 CAMBRIDGE STREET, ROOM 10002
BOSTON, MASSACHUSETTS 02202

A FINAL DECISION WILL BE SENT TO YOU BY THE COMMISSIONER OF VETERANS' SERVICES AT THE EXPIRATION OF THE TEN DAY PERIOD MENTIONED ABOVE.

VERY TRULY YOURS

JOHN HALACHIS
COMMISSIONER

JH/rml

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

DIVISION OF HEARING OFFICERS

ADJUDICATORY PROCEEDING OF:
PETITIONER

DOCKET NO.

V.

RESPONDENT

APPEARANCE FOR PETITIONER:

APPEARANCE FOR RESPONDENT:

APPEARANCE FOR INTERVENOR:

HEARINGS OFFICER:

RECOMMENDED DECISION

THIS IS AN APPEAL FROM A
OF THE RESPONDENT
PURSUANT TO M.G.L. CHAPTER 30A, SECTION 11(1) AND M.G.L. CHAPTER 7,
SECTION 4H, PROPER NOTICE WAS DULY SENT TO THE PARTIES THAT A
HEARING ON THIS APPEAL WOULD BE HELD ON
RESPONDENT AND THE INTERVENOR WERE PRESENT BUT NEITHER THE PETITIONER
NOR AN AUTHORIZED REPRESENTATIVE APPEARED FOR THE HEARING.

PURSUANT TO THE STANDARD ADJUDICATORY RULES OF PRACTICE AND
PROCEDURE (108CMR) SECTION 8.00(1)(e) AN ORDER TO SHOW CAUSE WHY THE
MATTER SHOULD NO BE DISMISSED FOR LACK OF PROSECUTION WAS ISSUED
ON AND THE PETITIONER HAS FAILED TO RESPOND.

THEREFORE I RECOMMEND THAT THE PETITIONER'S APPEAL BE
DISMISSED.

DIVISION OF HEARINGS OFFICERS

DATE:

HEARINGS OFFICER

APPEALS - NUMBER OF FORMS

1. V.S.1 + V.S.21a + NOTICE OF ACTION	5
2. #2 AUTHORIZATION SLIP RETURNED TO AGENT	1
3. APPEAL LETTER RECEIVED	2
4. LETTER SENT APPLICANT	1
5. LETTER SENT TO AGENT	1
6. LETTER SENT TO INVESTIGATOR	1
7. COPY OF APPEAL LETTER + COPY OF NOTICE OF ACTION SENT TO HEARING OFFICER	3
8. APPEAL INVESTIGATION RECEIVED	3
9. NOTICE OF HEARING RECEIVED FROM HEARING OFFICER TO STATE	1
10. NOTICE OF HEARING SENT TO APPLICANT BY HEARING OFFICER	1
11. NOTICE OF HEARING SENT TO AGENT BY HEARING OFFICER	1
12. RECOMMENDED DECISION RECEIVED AT STATE OFFICE	8
13. RECOMMENDED DECISION SENT TO APPLICANT BY HEARING OFFICER	8
14. NOTICE TO APPLICANT FROM HEARING OFFICER TO OBJECT TO DECISION	1
15. RECOMMENDED DECISION SENT TO AGENT BY HEARING OFFICER	1
16. NOTICE OF ACTION FROM HEARING OFFICER TO OBJECT TO DECISION	1
17. COMMISSIONERS DECISION SENT TO APPLICANT	1
18. COMMISSIONERS DECISION SENT TO THE VETERANS AGENT	1

TOTAL NUMBER OF FORMS SENT FOR ONE APPEAL 41

PROBLEM CASES

<u>ONE THRU ELEVEN ABOVE =</u>	21
1. VET FAILS TO APPEAR AT HEARING, NOTICE OF DISMISSAL SENT BY HEARING OFF.	1
2. IF DISMISSAL IS REMOVED, NEW HEARING DATE SENT TO STATE	1
3. IF DISMISSAL IS REMOVED, NEW HEARING DATE SENT TO APPLICANT	1
4. IF DISMISSAL IS REMOVED, NEW HEARING DATE SENT TO AGENT	1
5. IF DISMISSAL IS NOT REMOVED, NOTICE SENT TO STATE	1
6. IF DISMISSAL IS NOT REMOVED, DENIAL OF APPEAL SENT TO APPLICANT	1
7. IF DISMISSAL IS NOT REMOVED, DENIAL OF APPEAL SENT TO AGENT	1

TOTAL NUMBER OF FORMS SENT 28



The Commonwealth of Massachusetts

Division of Hearing Officers

One Ashburton Place, Room 1021, Boston 02108

(617) 727-7060

OFFICE OF THE COMMISSIONER OF
VETERANS' SERVICES
LEVERETT SALTONSTALL BUILDING
100 CAMBRIDGE STREET
BOSTON, MASSACHUSETTS 02202

ATTENTION: MR JOHN HALACHIS

DEAR COMMISSIONER HALACHIS:

ENCLOSED PLEASE FIND A COPY OF THE NOTICE OF WITHDRAWAL OF
APPEAL WHICH HAS BEEN RECEIVED AND ACCEPTED IN THE FOLLOWING CASE(S):

<u>VS NO.</u>	<u>NAME</u>	<u>SYSTEM</u>	<u>APEAL FILED</u>	<u>WITHDRAWAL REC'D DHO</u>
---------------	-------------	---------------	------------------------	---------------------------------

SINCERELY,

HEARINGS OFFICER

DATE:

CC:

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

DIVISION OF HEARINGS OFFICERS
727-7060

ADJUDICATORY PROCEEDING OF:

DOCKET NO: VS -

PETITIONER

DATE:

V.

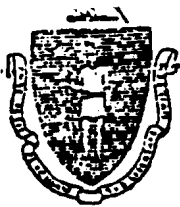
RESPONDENT

ORDER TO SHOW CAUSE

PURSUANT TO THE STANDARD RULES OF PRACTICE AND PROCEDURE (801 CMR) SECTION 1.02(10)(e) YOU ARE HEREBY ORDERED TO SHOW CAUSE WHY YOUR APPEAL TO _____ SHOULD NOT BE DISMISSED FOR LACK OF PROSECUTION DUE TO YOUR FAILURE TO APPEAR AT THE HEARING SCHEDULED FOR _____. IF YOU DO NOT PROVIDE SUFFICIENT EVIDENCE OF GOOD CAUSE FOR YOUR FAILURE TO PROSECUTE YOUR APPEAL BY _____, WE WILL RECOMMEND TO THE OFFICE OF THE COMMISSIONER OF VETERANS' SERVICES THAT YOUR APPEAL BE DISMISSED.

DIVISION OF HEARINGS OFFICERS

HEARINGS OFFICER



The Commonwealth of Massachusetts

Division of Hearing Officers

One Ashburton Place, Room 370, Boston 02108
1021

(617) 727-7060

PETITIONER

v.

DOCKET NO.

RESPONDENT

DEAT COMMISSIONER HALACHIS:

I AM ENCLOSING HERewith A COPY OF THE HEARINGS OFFICER'S RECOMMENDED DECISION I THE ABOVE-CAPTIONED CASE, TOGETHER WITH A COPY OF THE EXHIBITS ADMITTED INTO EVIDENCE. THE TAPE(S) OF THE HEARING ARE AVAILABLE AT YOUR DIRECTION.

AS PER YOUR REQUEST, A COPY OF THE RECOMMENDED DECISION HAS BEEN SENT TO THE PARTIES OR THEIR REPRESENTATIVES.

PLEASE ADVISE US OF YOUR FINAL DECISION IN THIS CASE.

SINCERELY,

ROBERT E. TIERNEY, ESQ.
SUPERVISING HEARINGS OFFICER

DATE:



The Commonwealth of Massachusetts

Office of Commissioner of Veterans' Services
100 Cambridge Street, Boston 02102

MICHAEL S. DURKIN
GOVERNOR
JOHN MALACHESE
COMMISSIONER

Date:

Mr. John Doe
146 Broadway St.
So. Boston, Ma. 02624

RE: Appeal

Dear Mr.

Your Letter of appeal concerning Veterans' Benefits has been received.

Our Field Agent will call on you in the very future. Please assist him as much as you can so that we may have all the facts in regard to your claim.

Very Truly Yours,

Edward Gilmartin
Appeal Section

EG/rml

Exhibit #1



The Commonwealth of Massachusetts

Office of Commissioner of Veterans' Services
100 Cambridge Street, Boston 02102

MICHAEL S. DURKIN
GOVERNOR
JOHN MALACHESE
COMMISSIONER

Date

Mr. John Smith
Veterans Agent
Town Hall
Main St.
USA 01234

Re: John Doe
State #

Dear Mr. Smith:

The above applicant has appealed to the Commissioner of Veterans' Services from your recent decision in the above case.

If you have not yet forwarded to this office a copy of the "Notice of Action" which you sent to the applicant, it is essential that you do so immediately.

A hearing on this appeal will be scheduled in the near future. The Division of Administrative Laws of Appeals will notify you of the time and place, at which time you or your representative are required to be present

Please refer to Section 8.00 of the Directives and to Section 8.15 in particular, for complete instructions.

If you wish further information, Please call me at 727-3589.

Very Truly Yours,

Edward Gilmartin
Appeal Section

EG/rml

Exhibit #2



The Commonwealth of Massachusetts

Office of Commissioner of Veterans' Services
100 Cambridge Street, Boston 02102

MICHAEL S. DURKIN
GOVERNOR
JOHN MALACHESE
COMMISSIONER

Date

Mr. Dick Tracy, Invest.
384 Patton Lane
Chelsea, Ma. 03426

Re: Appeal Investigation

Dear

Please investigate the above appeal case.

The report should be thorough and a VS-3 should be completed in every case. Please place this letter on top of your report so that the receiving clerk will know it is an appeal case.

Very Truly Yours,

Edward Gilmartin
Appeal Section

EG/rml

Exhibit #3