

1 10A NCAC 21A .0304 is proposed for adoption as follows:

2  
3 **10A NCAC 21A .0304 CONDUCTING DEPARTMENT APPEAL HEARINGS BY TELEPHONE OR**  
4 **ELECTRONIC MEANS**

5 **For public assistance and social services de novo appeals, including appeals of cases involving disability filed pursuant**  
6 **to G.S. 108A-79(i):**

7 (a) **The Department shall conduct the appeal hearing by telephone or other electronic means with the**  
8 **parties attending at the county department of social services with jurisdiction over the case.**

9 (b) **The Department shall notify the appellant of the hearing by First Class U.S. Mail.**

10 (c) **In the case of an emergency that causes a county department of social services to be closed to the**  
11 **public, the parties shall attend by telephone or other electronic means. The county department of**  
12 **social services shall make available by electronic mail, U.S. Mail or physical pick up the case file**  
13 **materials the appellant is entitled to examine pursuant to G.S. 108A-79(i)(1).**

14 (d) **The Department shall continue such appeal hearings as necessary to fulfill procedural rights of the**  
15 **appellant as defined by 42 CFR 431.242, which is incorporated by reference including subsequent**  
16 **amendments and editions, and available free of charge at <https://www.ecfr.gov>.**

17  
18 **History note: Authority G.S. 108A-54; 108A-79; 108A-80(d); 42 CFR 431.205; 42 CFR 431.240; 42 CFR**  
19 **431.242;**

20 **Emergency Adoption Eff. May 4, 2020;**

21 **Temporary Adoption Eff. June 26, 2020.**

22 **Eff. October 1, 2021.**