

## Part 199.10

# Appeal And Hearing Procedures

Revision:

Rule:

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### **(a) General.**

- (1) Initial determination.
  - (i) Notice of initial determination and right to appeal.
  - (ii) Effect of initial determination.
- (2) Participation in an appeal.
  - (i) Parties to the initial determination.
  - (ii) Representative.
- (3) Burden of proof.
- (4) Evidence in appeal and hearing cases.
- (5) Late filing.
- (6) Appealable issue.
- (7) Amount in dispute.
- (8) Levels of appeal.
  - (i) Appeal levels for initial determination made by OCHAMPUSEUR, CHAMPUS contractor, or CHAMPUS peer review organization.
  - (ii) Appeal levels for initial determination made by OCHAMPUS.
- (9) Appeal decision.

### **(b) Reconsideration.**

- (1) Requesting a reconsideration--
  - (i) Written request required.
  - (ii) Where to file.
  - (iii) Allowed time to file.
  - (iv) Official filing date.
- (2) The reconsideration process.
- (3) Timeliness of reconsideration determination.
- (4) Notice of reconsideration determination.
- (5) Effect of reconsideration determination.

### **(c) Formal review.**

- (1) Requesting a formal review.
  - (i) Written request required.
  - (ii) Where to file.
  - (iii) Allowed time to file.
  - (iv) Official filing date.
- (2) The formal review process.
- (3) Timeliness of formal review determination.
- (4) Notice of formal review determination.
- (5) Effect of formal review determination.

**(d) Hearing.**

- (1) Requesting a hearing--
  - (i) Written request required.
  - (ii) Where to file.
  - (iii) Allowed time to file.
  - (iv) Official filing date.
- (2) Hearing process.
- (3) Timeliness of hearing.
- (4) Representation at a hearing.
- (5) Consolidation of proceedings.
- (6) Authority of the hearing officer.
- (7) Disqualification of hearing officer.
- (8) Notice and scheduling of hearing.
- (9) Dismissal of request for hearing.
  - (i) By application of appealing party.
  - (ii) By stipulation of the parties to the hearing.
  - (iii) By abandonment.
  - (iv) For cause.
  - (v) Vacation of dismissal.
- (10) Preparation for hearing.
  - (i) Prehearing statement of contentions.
  - (ii) Discovery.
  - (iii) Witnesses and evidence.
- (11) Conduct of hearing.
  - (i) Right to open hearing.
  - (ii) Right to examine parties to the hearing and their witnesses.
  - (iii) Taking of evidence.
  - (iv) Questioning and admission of evidence.
  - (v) Relevant evidence.
  - (vi) CHAMPUS determination first.
  - (vii) Testimony.
  - (viii) Oral argument and briefs.
  - (ix) Continuance of hearing.
  - (x) Continuance for additional evidence.
    - (A) Continue hearing.
    - (B) Closed hearing.
  - (xi) Transcript of hearing.
  - (xii) Waiver of right to appear and present evidence.
- (12) Recommended decision.
  - (i) Statement of findings.
  - (ii) Statement of reasons.

**(e) Final decision.**

- (1) Director, OCHAMPUS.
  - (i) Final action.
  - (ii) Referral for review by ASD(HA).
- (2) ASD(HA).