



A Guide to the Administrative Hearing Process

*This information is designed to guide you through the basics of the Administrative Hearing process.
It is not intended as legal advice or as a substitute for any counsel an attorney may provide.*

Please read the enclosed Hearing Notice carefully and follow the specific instructions about your hearing. Your first correspondence from the Administrative Hearing Office (AHO) is a document called an order that advises you of the Administrative Judge that will be named the Presiding Officer. This is the person who makes pre-hearing decisions in the case and who presides over the hearing.

What do I need to know before the hearing?

- You may choose whether to hire an attorney throughout the hearing process. AHO staff cannot advise you on this personal choice.
- Before the hearing, you and/or your attorney need to prepare by gathering all relevant documents and making enough copies to give to the other side and the Presiding Officer at the hearing, contacting any witnesses you intend to present at the hearing, and making other preparations you believe are necessary for the hearing.
- Any pre-hearing filings such as motions, requests for postponements, subpoenas, and any other procedural issues must be filed in writing and addressed to the Presiding Officer. **Every filing must be copied to all other parties involved in the proceedings.**
- The Presiding Officer may not speak alone with any party in the case. If you or your attorney wish to speak with the Presiding Officer, all parties in the case must be present.
- Telephone calls and e-mails must be directed either to the Hearings Administrator or the Assistant Hearings Administrator who will either answer your question or direct the message to the Presiding Officer.

What do I need to know about the hearing?

- The hearing is not as formal as a court hearing but is structured so that each side has a fair opportunity to be heard. A court reporter will be present and witnesses will be under oath.
- During the hearing, the party with the burden of proof will present its witnesses first, followed by the other party. Each side will have an opportunity to cross examine witnesses when they are finished testifying. Cross examination is an opportunity to ask questions but not to testify. The Presiding Officer also may question the witnesses.
- During the hearing you may ask the Presiding Officer questions if you need clarification about any procedures.

- At the end of the hearing, the Presiding Officer will explain that each participant may reserve the right to file a brief. It is a written document, which may be in letter form, in which you may outline your arguments for why you believe the Commissioner should decide in your favor. Filing a brief is optional.
- The hearing procedure described above is similar for all cases. Some minor variations may occur with each hearing. The Presiding Officer will explain any variation in each situation.

What happens after the hearing?

- After the hearing, if you reserved the right to file a brief, you will receive a letter from the AHO informing you that the transcript has arrived and that a brief is due by a certain date. In the brief you may only argue why the facts introduced at the hearing through testimony and documents should lead to a decision in your favor. **It is not the time to submit new facts or documents.**
- After the briefing deadline has passed, the case will be sent to the Commissioner for a decision whether briefs are filed or not.
- When the Commissioner signs the final decision, AHO personnel will send a copy of the decision to you and all the other participants. After that, either party has the right to request a reconsideration within fifteen (15) days and/or to file an appeal with the Commonwealth Court within thirty (30) days.
- **It is important to remember that filing a request for reconsideration does not add time to the deadline for filing an appeal with the Commonwealth Court.**

What are some additional tips to help with the Administrative Hearing Process?

- Save the directions to the hearing office so you can arrive on time. Travel instructions are enclosed with the hearing notice and are also available on the Insurance Department website at www.insurance.pa.gov.
- Before the hearing, you may ask the Hearings Administrator or Assistant Hearings Administrator questions about procedures. You may also ask the Presiding Officer questions if you do not understand something during the hearing. AHO personnel cannot give you legal advice.
- If you need to subpoena a witness, send a written request to the Administrative Hearings Office early enough for you to deliver the subpoena to the witness and to prepare for the hearing. This usually requires at least two weeks' notice.
- You may bring a family member or friend with you to the hearing, but that person may not represent you unless permitted by the Administrative Judge.

If you have more questions after reading this information, you may call the Hearings Administrator or Assistant Hearings Administrator at 717-783-2126, or send us an email at ra-hearings@pa.gov. The AHO is open from 8:00 a.m. to 4:30 p.m. Monday through Friday.