

BASIC POINTS – SSI AND HHSC HEARINGS

Agency Conducting the Hearing regarding Eligibility for or Continuation of Benefits	Social Security Administration	Texas Health and Human Services Commission
What is the presider called/How does one address the presider?	Your Honor or Judge.	Hearing Officer.
Are the witnesses sworn?	Yes.	Yes.
Are the ALJ or Hearing Officer hearings in person, by videoconference or by telephone	In-person or by videoconference.	By telephone; can be requested to be in-person.
Do the courtroom rules of evidence apply?	No – But use common sense in terms of how removed the witness is from what occurred, and in terms of avoiding overly-repetitious evidence.	No – But use common sense in terms of how removed the witness is from what occurred, and in terms of avoiding overly-repetitious evidence.
Can “The Rule” be invoked so as to have witnesses not testifying be excluded until it is their turn to testify?	Yes, but the claimant will not be excluded, nor will Vocational or Medical Experts be excluded from testimony that is relevant to the VE or ME testimony.	Yes, but the appellant and the agency representative will not be excluded.
Does the presider have the authority to issue subpoenas?	Yes.	No.
Is there a review step after the hearing?	Yes – Request for Appeals Council Review.	Yes – Request for Administrative Review.
Is there review following exhaustion of all steps within the agency?	Yes – Federal Court Judicial Review – “On the record.” A non-attorney <u>cannot</u> provide representation at this stage.	Yes – State Court Judicial Review – “On the record.” A non-attorney <u>cannot</u> provide representation at this stage.