

Edited Content Extracted from: sections 501–505.docx

PART V. HEARING AND APPEAL

Section 501. Matters for Determination

The Board and the Administrator may make determinations for the purpose of determining any question involving, but not limited to, any of the following Social Security matters:

- * Any right, benefit, or obligation under 41 PNC or these policies and procedures;
- * Entitlement or continuing entitlement to benefits;
- * Re-entitlement to benefits;
- * The amount of any benefits;
- * The application of the earnings test to benefits;
- * The establishment or termination of a period of disability;
- * The payee(s) of survivor's insurance benefits, including lump sum benefits; or
- * Any overpayment or underpayment of benefits;
- * Suspension of benefits pending an investigation and determination of any factual issue relating to the entitlement of the person concerned to receive such benefits, including investigations into the cessation of a disability;
- * Withholding less than the full amount of a monthly benefit to recover an overpayment;
- * A determination of outstanding Social Security liabilities; and
- * Date of birth, date of death, or guardianship determination.

[Source 41 PNC § 716]

Section 502. Determinations

A determination is a decision by the Board or Administrator, regarding a person's entitlement or continuing entitlement to benefits or about any other matter concerning a right conferred under 41 PNC or these policies and procedures. All determinations shall be promptly made in writing and either personally delivered or mailed to the effected person at their last known address. A determination is binding unless the person concerned requests a reconsideration of the determination within thirty (30) days of receipt of the decision.

[Source 41 PNC § 716]

Section 503. Notice

Any determination made by the Board or Administrator shall be either personally delivered or mailed to effected persons. A hand-delivered determination shall be deemed received upon delivery. A mailed determination mailed to an address in the Republic of Palau shall be deemed received by the addressee three (3) days from the postmark date. A determination mailed to an address outside the Republic of Palau shall be deemed received by the addressee ten (10) days from the postmark date.

Section 504. Reconsideration

Any person aggrieved by a determination of the Administrator involving any right, benefit or obligation of that person under 41 PNC or these by-laws may ask for a reconsideration of that decision in the following manner:

(1) Within thirty (30) days of receipt of the Administrator's decision, the aggrieved person or any person who makes a showing that his or her rights may be adversely affected by the determination, may file a written request for reconsideration of that decision with the Administration and, along with that request, may provide any reasons or additional documentary evidence which would support a reversal of the original decision.

(2) The reconsideration process shall consist of a case review by the Administrator, where all parties to the reconsideration shall be given the opportunity to submit additional evidence by such deadline as the Administrator shall set in each case. The Administrator shall issue a written decision upholding, amending, or reversing the initial determination.

(3) Failure to adhere to this determination and reconsideration procedure or failure to file a request within the stated time period shall result in the denial of the reconsideration and the loss of the right to further appeal the decision.

[Source 41 PNC § 716]

Section 505. Appeal Hearing

A reconsideration by the Administrator upholding the initial determination shall be binding unless appealed to the Board within thirty (30) days of receipt of the decision. An appeal hereunder shall be made in writing and shall include any additional documentary evidence or arguments that the appealing party wishes the Board to consider. The Board shall review and consider the entire record of the matter and render its written decision on the appeal within forty-five (45) days of the date of the filing of the appeal. A party to an appeal is entitled to be represented by an attorney or any other person so designated by the party.

(2) When a party appeals or requests reconsideration of a determination made by the Board, the party shall be afforded an opportunity for hearing after reasonable notice. The notice shall include:

- * A statement of the time, place, and nature of the hearing;
- * A statement of the legal authority (41 PNC) and jurisdiction (ROP Constitution, 41 PNC, 6 PNC) under which the hearing is to be held;
- * A reference to the particular sections of the statutes, by-laws, and rules involved;
- * A short and plain statement of the matters asserted; and
- * The names and addresses of all parties and other persons to whom notice is being given.

(3) Reasonable opportunity shall be afforded all parties in an appeal to the Board to respond and present evidence and argument on all issues involved. Unless otherwise prohibited, informal disposition may be made of any contested determination. Failure to adhere to this claims appeal procedure or failure to file a request within

the stated time period shall result in the denial of the appeal and the loss of the right to further appeal the decision.

[Source 41 PNC § 716]