**Section 352.10 Parental Repayment Hearing**

a) When the Department determines that no justification exists for the relief requested a hearing shall be set not more than 90 days from receipt of the request for redetermination or temporary reduction in payment. The individual who made the request shall be sent notice of the date, time and place of the hearing not less than 10 days in advance of the date of such hearing. Due regard shall be given to the individual's schedule and place of residence in selecting the time and place of the hearing in order to facilitate his attendance on the date selected.

b) The petitioner shall be requested to personally appear at the hearing but may be represented by legal counsel or another interested party authorized in writing by the petitioner to act on his behalf. Witnesses and evidence which the petitioner deems necessary to support the grievances and allegations in his request may be presented.

c) A hearing officer authorized by the Director of the Department shall conduct the hearing in an objective and orderly manner. He shall have the authority to subpoena witnesses and to compel the production of books, records and other documents which would or might be pertinent to a just termination of the matter.

d) Prior to taking any testimony from any witnesses, the hearing officer shall require the witness to take an oath or affirmance of the truth of their statements.

e) Strict rules of evidence shall not apply and the hearing officer shall grant the petitioner latitude in introducing relevant evidence in support of his request, provided that the hearing officer retains the power to conduct the hearing in an orderly manner. Exhibits may be received into evidence and shall be numbered in order according to whether they are Department or petitioner exhibits.

f) Testimony shall be taken by the Department at the hearing and a record of the proceeding shall be preserved, either by stenographic or electronic means. All exhibits shall also be preserved and made a part of the record. Should the petitioner request a copy of the record of the proceedings, it shall be made available to him at cost.