

1 10A NCAC 43D .0908 is proposed for amendment as follows:

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3 **10A NCAC 43D .0908 NOTICE OF HEARING**

4 (a) The agency official shall notify the ~~aggrieved party, appellant, or his or her representative,~~ the local WIC agency
5 and the Nutrition Services Branch in writing that a request for a hearing has been received. ~~received and shall appoint~~
6 ~~a time, date, and place for the hearing within 10 days of receipt of the request.~~

7 (b) Notice of the date, time, and place of the hearing shall be given to all parties at least 10 days in advance of the
8 hearing.

9 (c) The notice to the aggrieved party shall include a stamped envelope with the return address of the agency official
10 with a request that it be returned indicating whether the date, time, and place for the hearing is satisfactory. If a
11 response is not received at least 2472 hours prior to the time proposed for the hearing, it shall be assumed that the
12 date, time, and place are satisfactory.

13 (d) The notice shall contain:

- 14 (1) a simplified explanation of the procedure for the hearing;
15 (2) a statement of the date, hour, place and nature of the hearing;
16 (3) a reference to the particular sections of the statutes and rules involved; and
17 (4) a short and plain statement of the factual allegations.

18 (e) If the ~~aggrieved party appellant, or his or her representative,~~ indicates that ~~he-she~~ or ~~she~~ desires another time
19 and date, the agency official shall set a new time and date for the hearing. The hearing shall be accessible to the
20 ~~appellant, appellant, or his or her representative.~~

21 (f) The hearing shall be held within ~~three weeks~~ 21 days from the date ~~of the receipt of the agency official receives~~
22 the request.

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24 *History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;*

25 *Eff. July 1, 1981;*

26 *Amended Eff. November 1, 1990;*

27 *Temporary Amendment Eff. July 1, 2002;*

28 *Amended Eff. July 1, 2004;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
30 *23, 2017; 2017.*

31 *Amended Eff. January 1, 2020.*