1. Use this example for the next two questions. An ASPIRE participant has been sanctioned for failing to keep her appointments with an organization under contract with OFI. The contractor is unable to have a representative attend the administrative hearing on the date scheduled. The ASPIRE Specialist provides sworn testimony regarding the client’s missed appointments. This evidence is considered “hearsay.”

**True.** Any evidence that is not direct testimony subject to cross-examination is hearsay. Hearsay evidence is admitted or excluded based upon the standards and requirements set forth in Section VII of the Administrative Hearings Regulation manual. Reference – DHHS Office of Administrative Hearings, Administrative Hearing Regulation Manual Section VII, A, 5, pgs. 25, 31, 32

2. The ASPIRE Specialist provides a written statement from the contract agency regarding the client’s missed appointment. This evidence is also considered to be “hearsay.”

**True.** Any evidence that is not direct testimony subject to cross-examination is hearsay. Hearsay evidence is admitted or excluded based upon the standards and requirements set forth in Section VII of the Administrative Hearings Regulation manual. It is best not to go to an administrative hearing without the direct testimony of the key witness from the contractor who can be cross-examined. If necessary request a continuance or subpoena the individual to appear at the hearing. Reference – DHHS Office of Administrative Hearings, Administrative Hearing Regulation Manual Section VII, A, 5, pgs. 25, 31, 32

3. In preparing for an administrative hearing, the ASPIRE Specialist should assume the hearing officer knows nothing about the ASPIRE Program and be prepared to explain program rules and provide copies of any written policies relevant to the case.

**True.** The ASPIRE Specialist should bring four copies of relevant policies, such as: Good Cause (section 4-4 and 4-5 in Policy Manual), Sanctionable Acts and Sanctioning Procedures (section 4-8 and 4-9 in Policy Manual), ASPIRE Requirements (section 3-2 through 3-4 in Policy Manual), and Scheduling Procedures (section 3-7 and 3-8 in Policy Manual) Reference – Refer to Administrative Hearing Checklist in Section 7 of the ASPIRE Training Manual

4. During an administrative hearing, the burden of proof is on ASPIRE to prove its side of the case.

**True.** The party who asserts the truth of a claim is under the burden to persuade the hearing officer that the claim is true.
5. The ASPIRE Specialist should request the return of books and tools when a participant fails to complete a training course that has been paid for by the ASPIRE program.

   True
   Reference – Section 14 (ASIRE/TANF Rules); II, P.  Return of Purchased Goods

6. The ASPIRE Specialist should also request return of work clothing purchased with a voucher, including work boots.

   False  Work boots are personal clothing items.
   Reference – Section 14 (ASIRE/TANF Rules); II, P.  Return of Purchased Goods

7. The first response an ASPIRE Specialist should have upon hearing a client has a job is to ask for number of hours per week, pay per hour and benefit information.

   False  You do need to ask these questions, however your first response should be “Congratulations!!!”

8. The responsibility for holding contract agencies accountable for their performance rests exclusively with Central Office.

   False  ASPIRE Specialists need to provide ongoing feedback to their supervisors and program management staff on the performance of contract agencies in order to obtain services that will best meet the needs of participants.