

HEARINGS EXAMINER**Nature of Work**

Under limited supervision, performs advanced professional work adjudicating administrative hearings for a state agency. Issues addressed stem from agency regulatory responsibilities such as denial of social and economic services. Researches cases, reviews physical, financial or employment information, and drafts decisions. May supervise some paraprofessional or office support staff. Makes decisions based on admissible evidence. Performs related work as required.

Distinguishing Characteristics

Positions in this classification adjudicate first level appeals for individuals who have been determined to be no longer eligible for financial assistance, disability benefits, licenses or other social benefits. Candidates must be familiar with the federal guidelines and state law, and precedents relevant to the area of jurisdiction.

Examples of Work

Receives notice of departmental actions applying sanctions under regulatory responsibilities; advises parties at interest of right of appeal and appeal procedures.

Presides over and conducts hearing on claims and other appeals of cases relating to services or benefits of the agency.

Travels the state to conduct hearings.

Administers oaths, examines witnesses, and receives testimony in hearing cases; determines credibility of witnesses and weights evidence.

Studies proposed regulations, performs necessary research, prepares reports and makes recommendations based on law and facts, supervises and participates in the drafting of and orders.

Interviews attorneys, company officials, physicians, and the general public; answers correspondence on matters relating to legal matters of the department.

Directs the gathering of additional facts and data to objectively evaluate cases.

Serves as professional legal resource person to the departmental administrative personnel and advises on interpretation of laws and regulations and the problems involved in their application.

May make rulings affecting the competency, relevancy, and the materiality of evidence and motions to be presented and render final decisions, orders, or awards.

HEARINGS EXAMINER (CONT'D)**Knowledge, Skills and Abilities**

- Knowledge of the function, organization and regulations of the area of assignment.
- Knowledge of adjudicative guides, operating standards and instructions pertaining to the credence of evidence of testimony.
- Knowledge of terminology and standards related to the area of assignment, medical or psychological fiscal and economic implications, vocational information, or legal terminology.
- Ability to evaluate evidence and testimony against appropriate standards.
- Ability to make decisions based on the relative weight of available evidence.
- Ability to set forth findings of facts and decisions clearly and concisely in oral and written form.
- Ability to formulate work procedures.
- Ability to carry on general correspondence related to matters pertaining to departmental functions.
- Ability to work successfully with state administrative officials, local government officials, company executives, physicians, claimants and the general public.
- Ability to timely keep and maintain records.
- Ability to comprehend and follow division policies.

Minimum Qualifications

TRAINING: Bachelor's degree from an accredited college or university.

SUBSTITUTION: Additional qualifying experience as described below may be substituted for the required training on a year-for-year basis.

EXPERIENCE: Three years of full-time or equivalent part-time paid experience in public or private welfare or law enforcement, or other public work which involves adjudicating evidence against standards.

FOR WORK WITH THE DIVISION OF MOTOR VEHICLES

TRAINING: Bachelor's degree from an accredited four-year college or university or successful completion of an accredited Paralegal or Legal Assistant program.

SUBSTITUTION: Additional qualifying experience as described below may be substituted for the required training on a year-for-year basis.

HEARINGS EXAMINER (CONT'D)

EXPERIENCE: Three years of full-time or equivalent part-time paid experience in conducting judicial hearings, quasi-judicial administrative hearings, criminal investigation, paralegal or in making legal determinations on statutory compliance, claims, assessments or regulator violations.

SUBSTITUTION: Graduate work from an accredited college or university may substitute for the required experience on a year-for-year basis.

OR

Thirty graduate hours from an American Bar Association accredited law school may substitute for the required three years of experience.

SPECIAL REQUIREMENT:

A valid West Virginia driver's licence is required.

Established: 7/16/92
Revised: 12/9/94, 5/26/00, 5/23/01, 1/5/06
Effective: 1/5/06