

Poarch Band of Creek Indians

Hearing Preparation Guide



Poarch Band of Creek Indians
Tribal Regulatory Affairs Division

Tribal Grievance Board

5811 Jack Springs Road

Building 500

Atmore, AL 36502

What is a request for an appeal before the Tribal Grievance Board?

- As an applicant for certain Tribal programs, you have the right to request an appeal to the Tribal Grievance Board within a limited period of time regarding the denial of benefits or services by a Tribal Government Department. The appeal request is acceptable only after all administrative remedies have been completed through the Grievance Process within the Department and through its Chain of Command.
- If there is no reversal of the Department's denial of benefits of services within the Chain of Command, the applicant may file an appeal with the Tribal Grievance Board.
- If the applicant chooses to file an appeal, the applicant must file a Notice of Appeal form with the Grievance and Appeals Resolution Manager in the Tribal Regulatory Affairs Division.
- The Grievance and Appeals Resolution Manager will review the following items to determine jurisdictional authority.

1. Does the Tribal Grievance Board have jurisdictional authority over the program policy being appealed?
 2. Was the Notice of Appeal form received within the appropriate timeframe listed in the Appeals Procedures for filing an appeal?
 3. Has administrative remedies been exhausted through the Grievance Process within the Department and its Chain of Command?
- If a determination is made that the Tribal Grievance Board has jurisdictional authority over the Program under appeal, the Grievance and Appeals Resolution Manager will examine all statements and documents provided by the applicant and applicable parties and complete a Summary of Facts and Statement of Findings to the Tribal Grievance Board.
 - After completion of the Summary of Facts and Statement of Findings, a Notice of Hearing will be provided to all applicable parties regarding date, time, and place for the hearing before the Tribal Grievance Board.
 - The Notice of Hearing will also provide all applicable parties with a copy of the Notice of Appeal, the Summary of Facts

and Statement of Findings, and a copy of this Hearing Preparation Guide.

How do I request a rescheduling of the Hearing?

- Any request for an extension of the hearing date (called a “continuance”) must be submitted in writing to the Regulatory Affairs Division Office no later than five (5) business days prior to the hearing, so that the Tribal Grievance Board can review the request and consider a Motion for Continuance.

How do I prepare for a Hearing?

- All parties should review the Hearing Notice for the date, time, and location of the hearing. It is important that you arrive on time. You should arrive at least fifteen (15) minutes before the scheduled time of your hearing. If either of the parties do not appear by the scheduled time, the appeal may be

dismissed, postponed, or the hearing could be held with only one party.

- You, as a party to this hearing, should review all documents pertaining to the denial of benefits or services; and prepare to present to the Tribal Grievance Board clearly and precisely your position regarding the denial of Program benefits or services.
- An attorney may be present to assist the parties at the hearing but may NOT speak or address the Tribal Grievance Board directly.
- If an appellant requests to have an authorized representative (who is not an attorney) to speak on their behalf, the party will need to notify the Tribal Grievance Board for approval prior to the opening statement.
- The Department and Division should have all staff involved in the Grievance Process to attend the hearing. In the absence of those key staff, other staff may be designated to represent the Department or Division at the hearing.
- All parties will be given the opportunity to present evidence at the hearing. All evidence will need to be identified and

accepted by the Tribal Grievance Board as evidence. *Evidence includes documents, charts, graphs, pictures, and other objects that may highlight or clarify the reason(s) for your appeal.*

- All parties will also be given the opportunity to call witnesses at the hearing. *Witnesses are knowledgeable of your reason(s) for appealing and sometimes have direct information related to your appeal. All witnesses must be present to testify at the hearing.*

What should I expect at the Hearing?

BEFORE THE OPENING STATEMENT:

- Witnesses should be present at the beginning of the hearing in order to be identified and approved by the Tribal Grievance Board to testify. The Tribal Grievance Board will establish the Witness List in the order of testimony and grant reasonable accommodations, if possible. The Tribal Grievance Board may approve witnesses to testify if they appear before the

opening statement. Witnesses not approved and placed on the Witness List will not be allowed to testify.

- Prior to the opening statement, all parties and witnesses will be administered an oath by the hearing parliamentarian.
- After the oath, all witnesses will be directed to a separate waiting area until they are called to provide testimony.
- In order to provide a non-adversarial format for both parties, each party will not be present during the opposing party's case presentation, but all parties will be brought together for the closing statements.

OPENING STATEMENT:

- There will be an opening statement by the Grievance Appeals and Resolutions Manager to explain the hearing format and read into the hearing record the information gathered on the Statement of Facts and Summary of Findings regarding the appeal brought before the Tribal Grievance Board.
- Opening statements will begin and will last three (3) minutes for each party (the person appealing and the department whose decision is being appealed). The appellant will go first, followed by the Department. The opening statement should

include an explanation of what the party intends to prove at the hearing. Evidence and Witness Testimony will not be presented in an opening statement.

- Following both parties' opening statements, each party will be given the opportunity to present evidence to the Tribal Grievance Board. Evidence may include documents, photographs, and objects related to the claim. The time frame for presenting evidence will be limited to thirty (30) minutes. Evidence will be presented by the Appellant first and then by the Department. The Tribal Grievance Board may ask for clarification of any evidence presented following the conclusion of all evidence being presented.
- After evidence has been presented, witnesses will be called in order from the approved Witness List. Witness testimony may not exceed ten (10) minutes, not including five (5) minutes for cross-examination by the other party. The Tribal Grievance Board may question witnesses after both parties have reached their time limit for asking questions of the witness.

- Finally, after witnesses have been called and questioned a ten (10) minute recess will be called by the Chair of the Tribal Grievance Board.

CLOSING STATEMENT:

- Following the recess, the parties may make a five (5) minute closing statement. The appellant will make the first closing statement, followed by the Department. Closing statements should be used to provide a summary of evidence and testimony presented to the Board. A closing statement provides the last opportunity for the parties to provide a convincing statement supporting their case.
- Before adjourning, the Tribal Grievance Board will have an opportunity to ask final questions for clarification on any statement(s) presented during the hearing.

When will I know the outcome of my Hearing?

- The Board shall privately deliberate immediately after the hearing is concluded, or if immediate deliberation is not

possible, then no later than five (5) business days after the hearing.

- Upon conclusion of deliberations, the Tribal Grievance Board shall issue its decision in writing to the parties no later than twenty (20) business days after the hearing.

QUESTIONS??

- If you have any questions regarding the hearing process explained in this Hearing Preparation Guide, please contact the Grievance and Appeals Resolution Manager at the Regulatory Affairs Division Office.

NOTES:

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c/o Regulatory Affairs Division
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Atmore, AL 36502
(251) 368-9136 Ext. 2066