

discussed with you in regard as to the reason for the closure of your case or any letter or correspondence you might or received from the county office. You identified about the property, is this what was involved in your understanding as to why your cases were closed?

Mr. T.: I think probably that attention to details now is a little premature; it seems to me that the issue before this hearing should have been presented in the hearing summary of which I have a copy and I suppose you have a copy also, and that would be the information from which Mrs. Evinger would submit to the hearing, and I also believe now that the hearing summary overall fails to set out clearly what and who caused the public assistance to Mr. O'Field to be terminated I believe is the word used.

Referee: What I was interested in primarily at this time was identifying briefly the facts involved. And I can summarize that in this way, from what has been said, and it is that from the information that was available to the county at the time of the investigation or review of his case that the county was of the opinion that Mr. O'Field was no longer in need because of resources in the form of a reserve fund were in excess of the maximum for a family of his size and it was considered that these resources could be made available to meet his needs and as a result, then the need no longer being established, his cases were closed August 2, 1960.

Mr. T.: The procedure in these hearings, as I understand it, is set out in the manual of the Department of Welfare and I'm not sure in what section it was, I believe it sets out that the evidence to be presented in the hearing shall be limited to the facts in the hearing summary.

Referee: They would be limited to the issue involved, not what is included in the hearing summary. The hearing summary identifies; should identify the basis for the action that has been taken by the county department.

Mr. T.: I have a note here that what is titled here as a hearing summary is apparently a written statement of facts and testimony that will be offered in the hearing.

Referee: By the county department.

Mr. T.: And it would seem to me that I would be able to rely on this hearing summary to be included and exclude anything that wasn't in it and we heard a reference to something that happened to a termination date in August which isn't in the hearing summary and I'm concerned with that in particular but there are also larger, to know, issues that are involved that are not in that summary.

Referee: Of course, the hearing summary provides a basis for the county's action, of course Mr. O'Field will be given an opportunity to elaborate on the action that has been taken by the county department.

Mr. T.: The evidence shall be presented in the form of a written summary of facts and sources of information on which the local office based the protested action. Any relevant data secured subsequent to the local office decision. In any way when the reference to the August termination came up that I listened carefully; apart from that, that's a small thing, the important thing; it's difficult to read the hearing summary for me and I think for anyone to determine who; whether it was the Department of Welfare or action of the bureau of Indian Affairs that was responsible for the termination.

Referee: Well, I had hoped this question had come up earlier but the county department is responsible for determining eligibility or ineligibility for assistance and it was the county's decision that resulted in the closure of his case, that is, the county department was responsible for closing his cases effective 6-1-60.