

17. Section 17-1706-2, Hawaii Administrative Rules, is repealed definitions as follows:

[“§17-1706-2 Definitions. As used in this chapter:

“Administrative hearing” means an administrative proceeding which affords an aggrieved person an opportunity to present an appeal before an impartial department representative for a formal decision.

“Authorized representative” means an individual who has been authorized in a written statement by the claimant to act for and represent the claimant in any and all aspects of the administrative hearing.

“Claimant” means any debtor who has requested an administrative appeal in writing to contest the department's intention to setoff the individual's income tax return to recover a debt. A claimant with a court appointed guardian of the person shall be considered to be represented by the guardian. The guardian shall have all rights and duties of the incapacitated claimant.

“Date of hearing request” means the date the department receives a signed written request for an administrative hearing by the claimant or authorized representative of the claimant which meets all of the criteria of a request for an administrative hearing as defined in this section. When there is no prior written request by the claimant, and no written authorization naming an authorized representative, the date of hearing request shall be the date the authorization is received.

“Debt” means any liquidated sum exceeding \$25 which is due and owing to the department, regardless of whether there is an outstanding judgment for that sum and whether the sum has accrued through contract, subrogation, tort, operation of law, or judicial or administrative judgment or order.

“Debtor” means any person who owes a debt to the department.

“Department” means department of human services.

“Hearing officer” means an impartial person assigned by the department to conduct administrative

hearings and to render a final decision. The hearing officer shall not have been directly involved in the initial determination of the action in question.

"Informal review" means a review conducted by department's administrative office, recovery staff, or investigations office staff at the written or oral request of a dissatisfied individual. An informal review is not the same as the administrative hearing provided the individual after a written request for an administrative hearing is received.

"Pretax setoff notice" means the initial setoff notice that is sent to inform the debtor that the department intends to setoff the debtor's state income tax refund.

"Request for an administrative hearing" means a clear written expression, documenting the appeal by the claimant or authorized representative that the claimant wants an administrative hearing because the claimant is contesting the intent of the department to setoff the claimant's income tax refund to recover a debt to the department.

"Tax setoff" means the interception and retention of state income tax refund to recover a delinquent debt.

"Tax setoff notice" means the notice that is sent at the time the debt is setoff against the debtor's state income tax refund."] [Eff 08/01/94; am 01/29/96; R] (Auth: HRS §346-14) (Imp: HRS §§231-51 to 231-59)