§ 408.1020  How do we make our reconsidered determination?

After you request a reconsideration, we will review the evidence considered in making the initial determination and any other evidence we receive. We will make our determination based on the preponderance of the evidence in the record. The person who makes the reconsidered determination will have had no prior involvement with the initial determination.


§ 408.1021  How does the reconsidered determination affect you?

The reconsidered determination is binding unless—

(a) You request a hearing before an administrative law judge (ALJ) within the stated time period and a decision is made;

(b) The expedited appeals process is used; or

(c) The reconsidered determination is revised.

§ 408.1022  How will we notify you of our reconsidered determination?

We will mail a written notice of the reconsidered determination to you at your last known address. We will state the specific reasons for the determination and tell you about your right to a hearing. If it is appropriate, we will also tell you how to use the expedited appeals process.

§ 408.1030  When can you use the expedited appeals process?

(a) General rules. Under the expedited appeals process (EAP), you may go directly to a Federal District Court without first completing the administrative review process. For purposes of this part, we use the same EAP rules we use in the title XVI program (see §§ 416.1423–416.1428 of this chapter) except as noted in paragraph (b) of this section.

(b) Exceptions. In §416.1425, the words “one of our offices” in paragraph (b) are deemed to read “any of the offices listed in §408.1009(b)” and the reference in the last sentence of paragraph (c) to “§416.1411” is deemed to read “§408.1011.”

§ 408.1040  When can you request a hearing before an administrative law judge (ALJ)?

(a) General rules. For purposes of this part, we use the same rules on hearings before an administrative law judge (ALJ) that we use in the title XVI program (see §§ 416.1429–416.1440 of this chapter), except as noted in paragraph (b) of this section.

(b) Exceptions. In §416.1433, the words “one of our offices” in paragraph (b) are deemed to read “any of the offices listed in §408.1009(b)” and the reference in the last sentence of §416.1433(c) to “§416.1411” is deemed to read “§408.1011.”

§ 408.1045  What procedures apply if you request an ALJ hearing?

(a) General rules. For purposes of this part, we use the same rules on ALJ hearing procedures that we use in the title XVI program (see §§ 416.1444–416.1461 of this chapter), except as noted in paragraph (b) of this section.

(b) Exceptions. (1) In §416.1446(b)(1), the last sentence does not apply under this part.

(2) In §416.1452(a)(1)(i), the words “supplemental security income” are deemed to read “SVB.”