
APPEALS

EP – 700 APPEALS

Change #4-2004
October 1, 2004

700.01 NOTICE

The State Office will send notices on both approved and denied cases. (See EP-600.)

700.02 HEARINGS PROCESS

Applicant's/Recipient/s (A's/R's) Rights

A. An a/r has the right to appeal when:

1. He is denied the right to apply for benefits.
2. Benefits are denied.
3. A decision is not made on his application in a timely manner.
4. He believes the payment was figured incorrectly.
5. He is not satisfied with the decision made on the case.

B. The a/r may request an appeal either orally or in writing.

C. Requesting the Local Hearing

1. The applicant must request an appeal within 60 calendar days from the date on the energy check unless he shows good cause. (See D. below for good cause reasons.) Hearings must be held within five calendar days of the request.
2. If the applicant does not request the local hearing within 60 calendar days, he must:
 - a. Request the hearing no later than 90 calendar days from the date on the energy check; and
 - b. Show good cause. (See D. below for good cause reasons.)
3. When the applicant requests a hearing after 60 calendar days, determine whether the request is within 90 calendar days from the date on the energy check.
 - a. If the request is not within 90 calendar days, deny the request for a hearing.
 - b. If the request is within 90 calendar days, you must establish whether the a/r has good cause. (See D. below for good cause reasons).
 - c. Hearings must be held within five calendar days of the request.

D. Good Cause Reason For Not Requesting A Local Hearing Timely

1. Acceptable good cause reasons for the a/r not requesting the local hearing within 60 calendar days are:
 - a. Failure of the a/r to receive the notification of action to be taken; or

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- b. Extended hospitalization of the a/r or spouse, child, or parent of the a/r; or
 - c. Failure of a representative, acting on the a's/r's behalf, to meet the time frames; or
 - d. Illness which results in the a/r being incompetent or unconscious and no representative has been appointed; or
 - e. Illness which results in the incapacity of the a/r; or
 - f. Death of the a/r or his representative.
2. Acceptable good cause reasons for the a/r not requesting the local hearing within 60 calendar days occur when the county caseworker:
 - a. Does not assist the a/r in filing an appeal; or
 - b. Gives no information, incomplete, or incorrect information on appeal rights. For example, the county caseworker did not inform the a/r of his appeal rights during the interview; or
 - c. Discourages the a/r from filing a request for an appeal.
 3. Acceptable verification to substantiate a good cause reason may include but is not limited to:
 - a. Doctor's statement; or
 - b. Hospital bill; or
 - c. Written statement from the a's/r's representative; or
 - d. Written statement from the a/r or other individual knowledgeable about the situation.

If the a/r establishes good cause, conduct the hearing. If the a/r does not establish good cause, deny the request for a hearing.

E. You must follow the procedures in Section 264 of the Work First Manual on conducting the local hearing.

F. Requesting a State Hearing

1. The a/r has a right to request a State hearing only after a local appeal hearing has been held and a decision has been rendered. The a/r must request a State appeal within five calendar days from the date of the local hearing decision unless he shows good cause. (See G. below for good cause reasons.)
2. If the a/r does not request the State hearing within five calendar days from the date of the local hearing decision, he must:
 - a. Request the hearing no later than 90 calendar days from the date on the energy check; and

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- b. Show good cause. (See G. below for good cause reasons.)
- 3. When an a/r requests a State hearing after five calendar days, determine whether the request is within 90 calendar days from the date on the energy check.
 - a. If the request is not within 90 calendar days, deny the request for a hearing.
 - b. If the request is within 90 calendar days, you must establish whether the a/r has good cause. (See G. below for good cause reasons.)

G. Good Cause Reasons For Not Requesting a State Hearing Timely

- 1. Acceptable good cause reasons for the a/r not requesting the State hearing within five calendar days from the date of the local hearing decision are:
 - a. Failure of the a/r to receive the notification of the local hearing decision; or
 - b. Extended hospitalization of the a/r or spouse, child, or parent of the a/r; or
 - c. Failure of a representative, acting on the a/s/r's behalf, to meet the time frames; or
 - d. Illness which results in the a/r being incompetent or unconscious and no representative has been appointed; or
 - e. Illness which results in the incapacity of the a/r; or
 - f. Death of the a/r or his representative.
- 2. Acceptable good cause reasons for the a/r not requesting the State hearing within five calendar days from the date of the local hearing decision occur when the county caseworker:
 - a. Does not assist the a/r in filing an appeal; or
 - b. Gives no information, incomplete, or incorrect information on appeals. For example, the county caseworker did not inform the a/r of his appeal rights during the interview; or
 - c. Discourages the a/r from filing a request for an appeal.
- 3. Acceptable verification to substantiate a good cause reasons may include but is not limited to:
 - a. Doctor's statement; or
 - b. Hospital bill; or
 - c. Written statement from the a/s/r's representative; or
 - d. Written statement from the a/r or other individual knowledgeable about the situation.

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If the a/r establishes good cause, conduct the hearing. If the a/r does not establish good cause,

- H.** The State hearing officer will also follow the procedures in Work First **Manual Section 264** for conducting a State hearing. However, he will have 15 calendar days to render a decision.
- I.** If the a/r is not satisfied with the final decision following the State hearing, he may, within 30 calendar days of the receipt of that decision, file a petition for judicial review in superior court.
- J.** The a/r has a right to be represented at the hearings by the person of his choice, including an attorney obtained at his expense or free legal services. The a/r can call CARE-LINE at 1-800-662-7030 for the number for legal services information.

700.03 RESPONSIBLE COUNTY IF APPLICANT MOVES

If an a/r moves to your county and requests a hearing, you will be responsible for conducting the hearing. You must contact the first county to obtain all records.

700.04 PAYMENT PROCEDURES

See Section EP-500 for payment procedures.