



WELFARE APPEALS

WHAT CAN I APPEAL?

You can appeal almost any decision made about you by a county welfare agency or the Minnesota Department of Human Services. You can appeal if your benefits are denied, lowered, cut off, or delayed. You can appeal decisions about MFIP, GA, EA, MSA, MA, GAMC, MinnesotaCare, food stamps, child care funding, foster care, homemaker services, employment and training, and other programs. Note: Food Stamps are now being called SNAP (Supplemental Nutrition Assistance Program)

DO I NEED A LAWYER?

No, but it can help. Call your legal aid office as soon as you can for help or referrals.

HOW DO I APPEAL?

Appeal in writing. You can send a letter or fill out an appeal form from the county. Just say what decision you disagree with and that you want an appeal. If you want to keep getting your benefits during the appeal, you must say so. Date it and keep a copy. Mail, fax or give the letter to your county worker. You can also mail or fax the appeal letter to:

Minnesota Department of Human Services Appeals Office
PO Box 64941
St. Paul, MN 55164-0941

Fax (651) 431-7523.



You can create an appeal letter by using an easy step-by-step online interview. Click or go to this link:

www.LawHelpMN.org/formhelper. Click on "Government Benefits" then on "Appeal a Decision for Denied, Reduced or Cut Off Benefits."

HOW SOON DO I HAVE TO APPEAL?

- You usually have 30 days from the date on the county notice. For food stamps, it is 90 days. The decision will say how long you have. Read it carefully.
- If you appeal after the time limit but within 90 days, you need to show "good cause" for being late. Some examples of good cause are serious illness or being out of town when the notice came.
- If you appeal a termination or decrease, and **you want to keep getting benefits during the appeal**, you must appeal
 1. within 10 days of the mailing of the notice by the county, **or**
 2. before the date the termination or decrease begins.

CAN I GET PAID FOR MY EXPENSES?

Yes. You must be paid for reasonable costs of going to the hearing, like child care and travel costs for you and your witnesses.

HOW DO I GET READY FOR THE APPEAL HEARING?

The county will send you a “Summary of Issues” or “State Agency Summary.” It should have all the facts and law they used to make the decision. You may want to check a welfare manual to see what it says about your problem. You can ask to see one at your library, welfare office, or legal aid office. The manuals are also online at the MN Department of Human Services website.

You should:

- Get your facts together. Make copies of any papers that will help you.
- Talk to anyone who can be a witness or write a statement for you. If a witness won’t come to the hearing, you can subpoena him or her to come. Call your worker or the hearing office about getting a subpoena.
- Look at your file at the welfare office as soon as possible. The agency cannot use information at the hearing if you did not see it first.
- Before the hearing, make an outline and notes of what you want to say.
- Practice telling your story and showing your evidence to a friend.

WHAT HAPPENS AT THE HEARING?

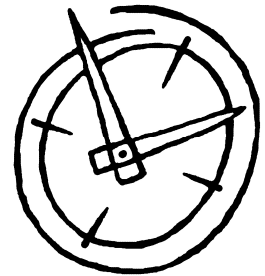
Hearings are less formal than a court trial. Everyone sits at a table, and a hearing officer asks questions to be answered under oath. Your worker will be there, sometimes with a supervisor, lawyer or advocate for the county. You can bring a lawyer or advocate, plus your witnesses. Your worker will tell the county’s side of the story and will give the hearing officer any written evidence or testimony to support it. You and your witnesses can do the same. At the end, each side can give a short statement of their side of the case.

WHAT CAN I DO IF I LOSE?

The hearing officer writes a recommended decision and sends it to the Chief Appeals Referee, who makes the final decision and sends it to you. If you got benefits during the appeal, those will stop or be lowered if you lose at the first hearing, even if you appeal further. You also have to repay the benefits you got during the appeal.

If you disagree with the decision, you have **30 days** from the date the Chief Referee signs the decision to either:

- **Ask for reconsideration** of the decision. Send a letter to:
Chief Appeals Referee
Department of Human Services
PO Box 64941
St. Paul, MN 55164-0941



OR

- **Appeal to District Court** instead of asking for reconsideration.

If you disagree with the reconsidered decision, you must then appeal to District Court. Call your legal aid office right away.

To find other Legal Aid Society materials go to www.lawhelpmn.org/LASMfactsheets.

Minneapolis Legal Aid – CLE
MN Legal Services Coalition
2324 University Avenue W. – Suite 101B
St. Paul, MN 55114

Don't use this fact sheet if it is more than 1 year old.
Write us for updates, a fact sheet list, or alternate formats.
Fact Sheets aren't a complete answer to a legal problem.
See a lawyer for advice.