

DEPARTMENT OF HUMAN SERVICES: THE APPEAL PROCESS

Use this brochure if your Department of Human Services benefits are being denied, reduced, or terminated. These benefits include AABD, Food Stamps, GA, Medicaid, QUEST, TANF, and/or TAONF benefits.

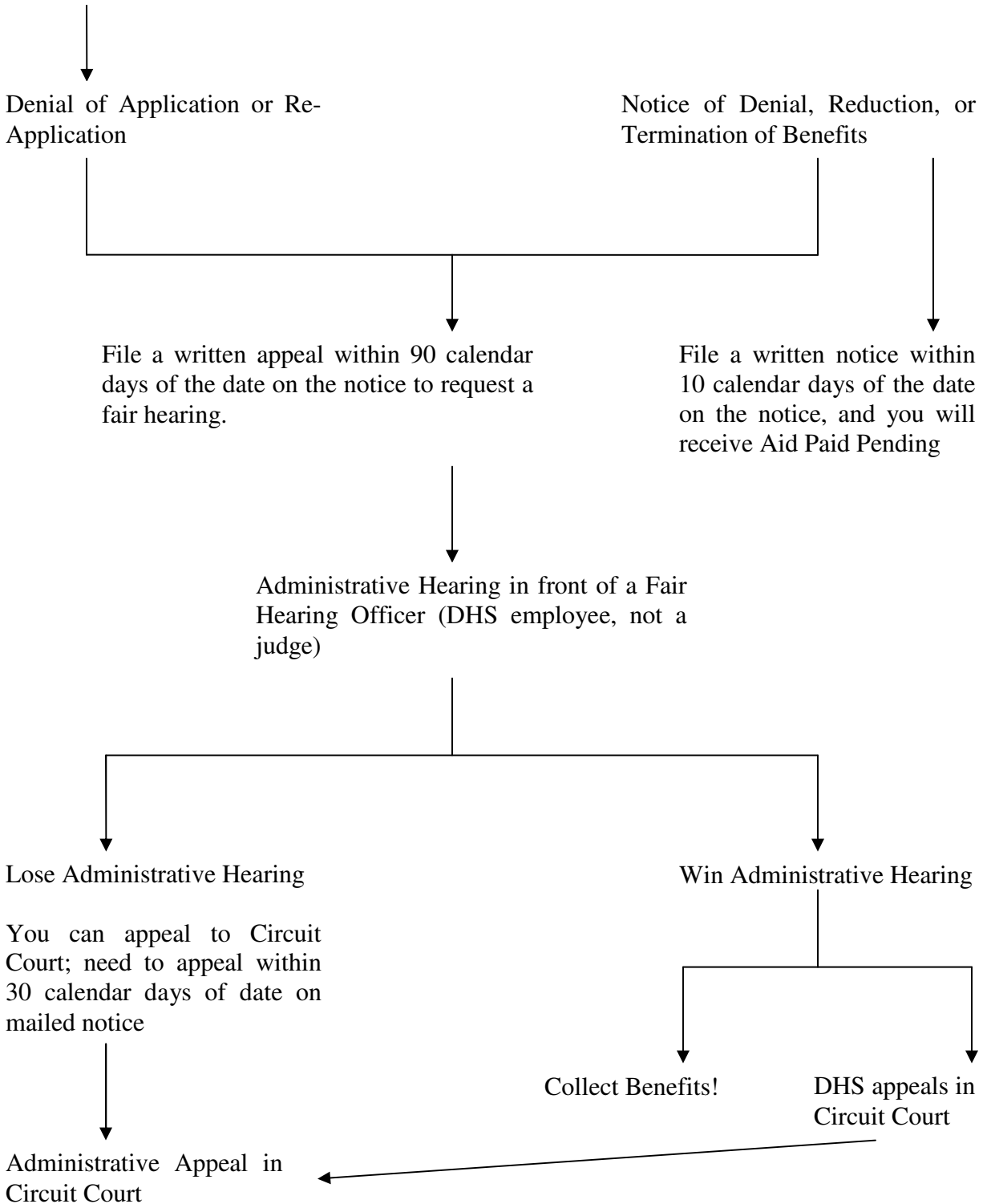
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AABD, Food Stamps, GA, Medicaid, QUEST, TANF, and/or TAONF Appeals Flow Chart

Apply for Benefits



I GOT A NOTICE IN THE MAIL FROM DEPARTMENT OF HUMAN SERVICES (DHS). WHAT DOES IT MEAN?

DHS sends notices when benefits are about to be:

- Denied;
- Reduced; OR
- Terminated.
- If there is an overpayment, please see Legal Aid's brochure entitled, DHS: Overpayments.

WHAT SHOULD I DO AFTER I GET THE NOTICE IN THE MAIL?

- 1) Read the notice carefully. Look at the date on the notice and the reason for DHS's decision.
- 2) Reapply if you are denied or terminated. You can reapply for benefits at any time after you get denied or terminated. Read the reason on your notice for your denial or termination. This should help you avoid getting denied when you apply again. Reapply even if you plan to appeal DHS's decision.

What is Aid Paid Pending?

Aid Paid Pending (APP) means you will continue to get your current benefit amount until your hearing decision.

If you lose your hearing, you will need to repay the APP you got. DHS will send you an overpayment notice for the amount you need to pay back. This amount can be collected in one of three ways: (1) DHS can deduct 10% of any benefits you receive; (2) you can repay DHS a little cash each month; or (3) DHS can intercept your tax refunds.

If you miss the 10 day deadline to get APP, you can still appeal up to 90 days from the date of the notice.

- 3) Appeal DHS's decision. You have the right to appeal. This means that you are asking DHS to reconsider its decision at a hearing. You have 90 calendar days from the date on the notice to ask for a hearing. At the hearing you will be able to tell your side of the story and prove that DHS's decision was wrong. If your benefits were reduced or terminated, and you appeal within 10 calendar days of the date on the notice, you can ask for Aid Paid Pending (APP). However, if you miss your 90 day deadline, you cannot appeal. You must reapply for benefits.

HOW DO I APPEAL?

- For Food Stamps, you can either call or write to DHS and request a fair hearing. If possible, ask for your fair hearing in writing so you have proof of your request. If you call, make sure you write down the date and time of the call and whom you talked to.

- For cash assistance and QUEST, you can either (1) fill out DHS's Request for Fair Hearing form or (2) write your own letter which states that you received a notice and you would like to request a fair hearing. You can either hand-deliver or mail the letter. Make sure you keep a copy for yourself. If you hand-deliver, have the copy date-stamped by the DHS office. If you mail, send it by certified mail with return receipt requested.

WHAT HAPPENS AFTER I APPEAL?

Once you file an appeal with DHS, you will receive a notice of your hearing date in the mail. At this hearing, you will have to explain your case to a hearing officer.

HOW DO I PREPARE FOR MY HEARING?

At your hearing, you will have to prove your case to a hearing officer. The hearing officer is an employee of DHS and not a judge.

- 1) Look at the hearing notice and see when your hearing is. Make sure you are able to go to this hearing. If you cannot make the hearing as scheduled, request another date and time by contacting the Administrative Appeal Office at 586-5290. If you do not call or show up at the hearing, you will automatically lose by default.
- 2) Before your hearing, start preparing your case. The first notice you get will say why your benefits are being denied, reduced, or terminated. This will be the main issue at your hearing, and you must prove why this reason is wrong. Use the reason to help you figure out your strategy.
- 3) Show up early and at the correct place, or you may lose by default.

Strategies

- ✓ Look through your file at your DHS office for anything that may help your case. You can get copies of any documents you need from your file.
- ✓ Think of ways to prove DHS wrong:
 - You are over the income guidelines – SHOW your past pay stubs, bank statements, and/or other financial documents proving otherwise.
 - You don't understand English well – ASK for an interpreter to be at your hearing. Explain at the hearing that you did not understand your reporting duties because of a language barrier. DHS is required to provide you with an interpreter.
 - You did not turn in your SMRF on time – LOOK in your file to see if you did turn in your SMRF and when. Bring a copy to the hearing. If you did not turn in your SMRF or did not turn it in on time, explain that you had good cause, like being sick (bring a doctor's note), death in the family, etc.

WHAT HAPPENS AFTER THE APPEAL HEARING?

The hearing officer will issue a written decision. You will receive it in the mail. For Food Stamps cases only, DHS must provide a hearing decision within 60 days of your appeal. For all other case, DHS must provide a hearing decision within 90 days of your appeal. Otherwise, you may be eligible for benefits starting on the 61st or 91st day until a decision is made.

- If you win, congratulations! You will start receiving benefits if your application was denied. Your benefits will continue at the original amount if your benefits were reduced or terminated.
- If you lose, you can reapply for benefits or appeal in Circuit Court. Remember, if you requested APP, you will have to pay it back. You have 30 calendar days from the date on the decision notice to file a Chapter 91 appeal in Circuit Court. Appealing in Circuit Court is a long and complex process. It takes a lot of work. The appeal involves legal briefs and filling out various court forms. If possible, get a private attorney.

Legal Terms

AABD Aid to Aged, Blind and Disabled. A cash assistance program for disabled persons.

APP Aid Paid Pending. Receiving benefits during the appeal process.

APPEAL Asking an agency to re-think its decision.

DHS Department of Human Services. The agency in charge of administering AABD, Food Stamps, GA, Medicaid, QUEST, TANF, and TAONF.

FOOD STAMPS Cash for food only. Benefits are disbursed through an Electronic Benefit Card, which is used like a credit card at the grocery store.

GA General Assistance. A cash assistance program for disabled persons.

MEDICAID / QUEST Medical benefits for low-income individuals.

SMRF Six-Month Report Form. This is the form you need to turn into your worker every six months.

OVERPAYMENT DHS pays you too much benefits.

TANF / TAONF Temporary Assistance for Needy Families and Temporary Assistance for Other Needy Families. A cash assistance program for families with minor children.

Legal Aid Society of Hawaii

Legal Hotline – Monday through Friday from 9:00 to 11:30AM and 1:00 to 3:30PM

OAHU 536-4302

HILO 934-0678

KAUAI 245-7580

KONA 329-8331

LANAI 565-6089

MAUI 242-0724

MOLOKAI 553-3251

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