

## **100751 Due Process Rights for Clients Denied Services**

### **(a)**

Any person who has applied for benefits and/or services, provided under a contract or delegation agreement with the Department, whose application has been denied has the right to appeal such action to the grantee. For purposes of this section, the Department will consider that there has been a denial of assistance when: (1) The benefits, services and/or funds currently are available and; (2) The grantee has the authority to provide or disburse such benefits, services and/or funds and; (3) The applicant meets or believes that he/she can prove that he/she meets program eligibility criteria.

#### **(1)**

The benefits, services and/or funds currently are available and;

#### **(2)**

The grantee has the authority to provide or disburse such benefits, services and/or funds and;

#### **(3)**

The applicant meets or believes that he/she can prove that he/she meets program eligibility criteria.

### **(b)**

Each grantee shall establish and make known to all applicants, procedures for the review of partial or complete denial of assistance to any person or household. If the

grantee has an existing appeal process which includes the following elements, its continued use will satisfy the requirements of this section. If, however, the grantee has a procedure which excludes any of the elements below it shall be amended to include those factors which are excluded. (1) Provisions for notifying the applicant in writing of the reasons for denial of assistance and that he/she may request a review of the denial and may submit additional information (in writing or orally) which the applicant believes would warrant a favorable determination. (2) Provisions for reviewing the denial of an application for assistance in an expeditious manner if such is requested by the applicant. This shall include the specific assignment of responsibility to a senior level official or standing committee other than the person making the initial determination. (3) Provisions for expeditiously notifying the applicant in writing of the grantees final decision. (4) The methods the agency will employ to publicize the existence of the appeals process. (5) Provisions for ensuring that every effort will be made to provide persons who do not comprehend English with written materials and procedures in the appropriate languages. (6) Provisions for the retention of documents relating to specific denials of assistance and action(s) taken by the grantee. Such records must be maintained in the grantee's files for three years and shall be available for review by DEO officials upon request.

**(1)**

Provisions for notifying the applicant in writing of the reasons for denial of assistance and that he/she may request a review of the denial and may submit additional information (in writing or orally) which the applicant believes would warrant a favorable determination.

**(2)**

Provisions for reviewing the denial of an application for assistance in an expeditious

manner if such is requested by the applicant. This shall include the specific assignment of responsibility to a senior level official or standing committee other than the person making the initial determination.

**(3)**

Provisions for expeditiously notifying the applicant in writing of the grantees final decision.

**(4)**

The methods the agency will employ to publicize the existence of the appeals process.

**(5)**

Provisions for ensuring that every effort will be made to provide persons who do not comprehend English with written materials and procedures in the appropriate languages.

**(6)**

Provisions for the retention of documents relating to specific denials of assistance and action(s) taken by the grantee. Such records must be maintained in the grantee's files for three years and shall be available for review by DEO officials upon request.

**(c)**

A written description of the aforementioned required procedures shall be maintained on file by the grantee and shall be available for public inspection.

**(d)**

Any person who has applied for benefits and/or services, provided under a subgrant or contract with the Department, whose application has been denied and who has exhausted all grantee appeal rights, may appeal the denial of assistance to the Department. Should the appeal remain unresolved and the applicant desires to appeal further, the written appeal and all other supportive documentation must be received by the responsible Department official within twenty (20) calendar days of

the grantee's final decision.

**(e)**

Under no circumstances shall the grantee or the Department waive the applicant's right to appeal.