

100805 Appeal Process

(a)

Any person who has applied for benefits and/or services provided under a grant award from a contractor or a subcontractor whose application has been denied or not acted upon within fifteen (15) working days or has not received satisfactory performance according to the agreed upon program requirements of the contract has the right to first appeal such action to the contractor and, if not satisfied, subsequently appeal to DEO. For purposes of this section, DEO shall consider that there has been a denial of assistance when the following exists and a client has been refused service: (1) The benefits, services and/or funds are currently available; and (2) The contractor 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; and (4) The applicant meets the conditions of the approved priority service plan.

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eligibility criteria; and

(4)

The applicant meets the conditions of the approved priority service plan.

(b)

A written appeals process shall be established by each contractor and shall be provided to all applicants who are denied assistance. (1) Procedures for the review of partial or complete denial of assistance to any person or household shall include the following: (A) Provisions for notifying the applicant in writing of the reasons for denial of assistance and advising the applicant 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. (B) 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. (C) Provisions for notifying the applicant of the contractor's final decision. (D) The methods the contractor will employ to notify applicant of the existence of the appeals process. (E) Provisions for ensuring that every effort will be made to provide persons who do not comprehend English with written materials and/or procedures in the appropriate language(s). (F) Provisions for the retention of documents relating to specific denials of assistance and action(s) taken by the contractor. Such records must be maintained in the contractor's files for three years and shall be available for review by DEO officials upon request. (G) Provisions to inform applicants that an appeal to DEO may be requested as part of the fair hearing process and provisions for providing a description to the applicant of the process and criteria for appeal to DEO as outlined in subsections (c) and (d) of this section. (2) A written description of the

aforementioned required procedures shall be maintained on file by the contractor and shall be available for public inspection.

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Provisions for notifying the applicant in writing of the reasons for denial of assistance and advising the applicant 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.

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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.

(C)

Provisions for notifying the applicant of the contractor's final decision.

(D)

The methods the contractor will employ to notify applicant of the existence of the appeals process.

(E)

Provisions for ensuring that every effort will be made to provide persons who do not comprehend English with written materials and/or procedures in the appropriate language(s).

(F)

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

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Provisions to inform applicants that an appeal to DEO may be requested as part of the fair hearing process and provisions for providing a description to the applicant of the process and criteria for appeal to DEO as outlined in subsections (c) and (d) of this section.

(2)

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

(c)

Should the applicant decide to appeal to DEO, the applicant shall submit a written appeal request to DEO within ten (10) working days from the date of the contractor's final decision. Upon request from DEO, the contractor shall provide all supportive documentation to DEO, postmarked within ten (10) working days of the request.

(d)

DEO shall provide an opportunity for an administrative fair hearing if an applicant's concern is not resolved by appeal to the contractor. Within five (5) working days, upon receipt of a request for a fair hearing, DEO shall schedule a fair hearing to be conducted no later than fifteen (15) working days from receipt of a request for a fair hearing. The fair hearing shall be conducted in accordance with the following criteria: (1) The hearing shall be held in a place reasonably convenient to the applicant and open to the public. (2) The applicant shall receive notification of the hearing no less than five (5) working days before the scheduled hearing, to enable a proper preparation of the applicant's appeal. (3) The applicant shall have an opportunity to review his/her claim file, which contains all the evidence to be presented, prior to the hearing. (4) The hearing officer shall be an impartial adjudicator who has not participated in the decision being appealed. (5) The applicant is guaranteed the right to: (A) Have a representative at the hearing; (B) Present evidence, including oral and/or written statements on his/her behalf; (C) Present witnesses; and (D) Cross-examine witnesses. (6) The applicant shall be given the opportunity to elect to have the matter determined through use of a declaration in lieu of personal appearance. (7) The hearing officer shall issue a final decision, in writing, within thirty (30) calendar days following the conclusion of the fair hearing.

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