

For more information:

Call or visit your Illinois Department of Human Services' Family Community Resource Center (FCRC).

If you have questions about any Illinois Department of Human Services (IDHS) program, call or visit your FCRC. We will answer your questions. If you do not know where your FCRC is or if you are unable to go there, you may call the automated helpline 24 hours a day at:

1-800-843-6154

1-866-324-5553 TTY/Nextalk, 711 TTY Relay

You may speak to a representative between:
8:00 a.m. - 5:00 p.m.
Monday - Friday (except state holidays)

For answers to your questions, you may also write:

Illinois Department of Human Services
Office of Customer and Support Services
600 East Ash, Building 500-5th Floor
Springfield, IL 62703 Or email us:
<http://www.dhs.state.il.us/contactus>

Visit our website at:

www.dhs.state.il.us

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DHS 377 (R-6-17) Appeals and Fair Hearings

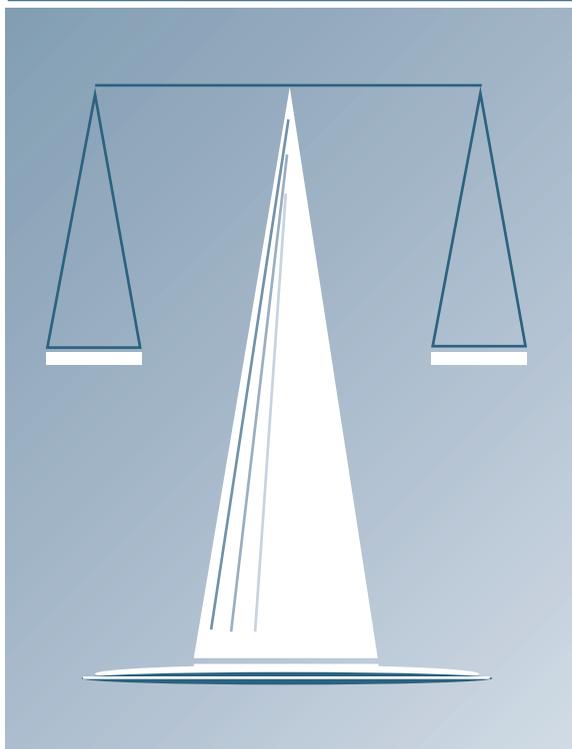
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State of Illinois
Department of Human Services

appeals & fair hearings

For Those Receiving Cash, SNAP,
or Medical Assistance



Appeals and Fair Hearings

For Those Receiving Cash, SNAP,
or Medical Assistance

Your Right to Appeal and Receive a Fair Hearing

This brochure explains the Illinois Department of Human Services' appeal and hearing process for clients receiving cash, SNAP or medical assistance. If you have any questions about what you read or want more information, go to your local IDHS office. A IDHS representative will help you with your questions.

How will I know if my application is approved or denied?

IDHS will mail you a written notice of the decision on your application. If your application is approved, the notice will tell you about your benefits. If it is denied, the notice will tell you why. For cash and/or medical assistance, the notice will be sent within 45 days (30 days for TANF). If your application was based on disability, the notice will be sent within 60 days. For SNAP benefits, the notice will be sent within 30 days. You can appeal the decision if you think it is wrong.

How will I know if my benefits have been stopped or cut back?

IDHS will mail you a written notice at least 10 days before your benefits are cut back or stopped.

If you get a notice that you don't understand, contact your local IDHS office or the Helpline number on the back of this brochure to clarify why IDHS is making the change. If you think IDHS is wrong, you can appeal the change.

What decisions made by IDHS can I appeal?

If you receive or have applied to receive benefits from IDHS, you can appeal any decision IDHS makes about your case that you think is wrong. You can appeal if:

- Your application is turned down.
- The amount of your benefits is cut back or stopped.
- You think a decision IDHS made is wrong.
- You think IDHS' failure to make a decision or delay in making a decision is wrong.
- IDHS takes any action that directly affects you.

However, you must appeal within a certain time from the Date of Notice. The Date of Notice is printed on the top of all IDHS notices. If you are appealing a decision about cash assistance or Medicaid, you must appeal within 60 days. If you are appealing a decision about SNAP benefits, you must appeal within 90 days. If you are appealing a delay or failure to make a decision, there is no time limit.

How do I ask for an appeal?

If you want to appeal, you can write a letter requesting a hearing or fill out a Notice of Appeal form. You can get a Notice of Appeal form at your local IDHS office. If you need help filling it out, your local office staff will help you. Mail or take your letter or appeal form to your local IDHS office. You may also mail it to the address below:

Illinois Department of Human Services
Bureau of Hearings
69 W. Washington, 4th Floor
Chicago, Illinois 60602

You can also email the completed form to DHS.BAH@illinois.gov or fax to 312-793-3387. You can also appeal by calling toll free 1-800-435-0774 (voice) or 1 877-734-7429 (TTY), Monday through Friday, between 8:30 a.m. and 4:45 p.m.

If your appeal is only about SNAP benefits, you can also appeal by just letting your local IDHS office know that you want to appeal.

If I appeal a decision that cut back or stopped my benefits, will I continue to receive them?

You will continue to receive your benefits if you request a hearing on or before the date your benefits are to be cut back or stopped. The notice telling you about IDHS' decision will give you the date by which you must appeal to have your benefits continued. If you appeal in time, you can request that your benefits continue until the appeal is decided, unless you tell IDHS that you do not want to continue your benefits.

However, if IDHS decides at your hearing that the decision to cut back or stop your cash and/or SNAP benefits was correct, you will owe IDHS the difference between what you received during the appeal and what you should have gotten.

What will happen after I appeal?

After you appeal, someone from your local IDHS office will review the reasons that caused you to appeal and ask you to attend an informal meeting to talk about your appeal. At the meeting, IDHS will explain why your benefits changed and answer all questions.

You and your representative, if you have designated one in writing, will be sent a notice telling you when this meeting will take place. Often this meeting is held by telephone. You do not have to attend the meeting.

This meeting is not a hearing. No hearing officer will be present, and it will not be tape recorded. No matter what is said at this meeting, unless you sign a Request to Withdraw Appeal, you still have the right to a hearing before a hearing officer.

If you now agree with IDHS

At the informal meeting, IDHS may make a change in your case that you agree with or you may decide that IDHS was right. If so, IDHS will ask you to sign a Request to Withdraw Appeal. Only you or your representative can sign this form. If you sign it, your appeal is over.

If you still do not agree with IDHS

If you still do not agree with IDHS and you want to continue with your appeal, you must appear for your hearing. You will get a notice in the mail stating the date and time for your hearing. You will also receive a Statement of Facts which lists the reasons why IDHS made its decision.

Where will my hearing be held?

Usually, the hearing is held in the local IDHS office that handles your case. However, the Hearing Officer will not be at the local IDHS office. If you have a disability and are physically unable to come to your local office or need another accommodation so that you may participate in the hearing, immediately contact the Bureau of Hearings, 69 W. Washington, 4th Flr., Chicago IL 60602 or at DHS.BAH@illinois.gov, so that an accommodation can be arranged. BAH may arrange for you to participate in the hearing by telephone. Also, if you do not live in Illinois, you may present your position with written information submitted in advance of the hearing, or have someone present your position for you, or request to participate in the hearing by telephone.

What should I bring to the hearing?

You should bring all records or receipts or papers that might help you prove IDHS is wrong, such as written proof of living expenses, income, medical bills, tax receipts and savings or bank account books. You or your representative will have the opportunity before and during the hearing to look at all records and papers that IDHS plans to use as evidence in the hearing.

If you want a copy of the evidence about your Cash, Medical, or SNAP appeal hearing, the copy shall be provided at no cost. This copy is for your own use; you do not need it for the hearing. You may also bring witnesses to testify for you.

How much will the hearing cost?

Your hearing will not cost you any money. IDHS may pay you back for the child care costs you had to pay to be able to come to your hearing if you ask to be paid back within 30 days after the hearing.

Who will be at my hearing?

Hearings are not open to the public. To keep the information confidential, the only people who will be at the hearing are you and/or a representative who you have authorized in writing to represent you, the people you need to help present your case, a member of the local office staff directly responsible for the action for appeal, the necessary witnesses for the local office and a hearing officer.

What happens during the hearing?

The hearing officer is impartial and will be in charge of your hearing. Witnesses at the hearing are asked questions under oath. You and the department will each have a chance to explain why you think you are right. The hearing is tape recorded.

What happens after my hearing?

After the hearing, the Secretary of the Department of Human Services issues a final decision that either changes or does not change the decision you appealed.

You will receive a copy of the final decision, as well as a letter notifying you of your right to have a judge review the decision. In an appeal where the only issue is SNAP benefits, the final decision must be made within 60 days after your request for a hearing is received by IDHS.

When the decision results in your getting SNAP benefits, the SNAP benefits must be issued within 10 days after your local office receives the decision. In cash and medical assistance appeals, the decision must be made within 90 days.*

(*If you are unable to attend a hearing or ask for and are granted a postponement or continuance, the time limit will be extended by the number of days delay caused by your postponement.)

What if I need to postpone or reschedule my hearing?

If you need to postpone your hearing, you should follow the instructions on the notice you receive that states when your hearing will be held.

If you do not come to your hearing and do not ask for a postponement, IDHS will consider the appeal ended. IDHS will send you a written notice of this decision, but may reschedule the appeal if, within 10 days of the notice, you provide us with good cause, in writing, why you couldn't come.

When your benefits have continued unchanged as a result of your request for a hearing and you do not come to your hearing and do not request a postponement, IDHS will make the proposed change in your benefits.

Can I see a copy of the official report?

The official report of the hearing consists of the documents filed in the case, along with the facts and the decision. At any time within three years after the hearing decision, you or your representative may arrange to review the official report in your local office.