

# **Benefits and Services Appeals**

 [Printer Version](#)  [E-mail Page](#)

The Benefits and Services Section hears appeals pertaining to food stamps, TANF, general relief, auxiliary grants, refugee programs, energy assistance, child day care, foster care, adoption, and home based services. Section 63.2-517 of the Code of Virginia provides that the appeal period in all benefits and services cases, other than food stamps, is 30 days after receiving written notice of the local agency's decision. An appellant has 90 days after receiving written notice of a local agency's decision in a food stamp program case to request an administrative hearing.

A request to appeal a local decision in a food stamp case may be made orally or in writing. If the request is made orally, the request must be made to the food stamp toll free hot line at (800) 552-3431. All other benefits and services appeal requests must be submitted in writing to the Appeals and Fair Hearings Unit, Benefits and Services Section. When an appeal request is received, an administrative hearing is scheduled by a hearing officer. Administrative hearings are conducted by impartial hearing officers designated by the Commissioner of the Virginia Department of Social Services.

The Section also hears administrative disqualification hearings, which are hearings to determine whether an individual has fraudulently committed an "intentional program violation" to obtain benefits in the food stamp or TANF programs.

## **Appeals to Circuit Courts**

An appellant has 30 days from the date of service of the hearing

officer's decision (the date that the decision was received or the date that the decision was mailed, whichever occurs first) to file a written notice of appeal with the appropriate circuit court and send a copy to the VDSS Commissioner. If the hearing officer's decision was delivered to the appellant by mail, the appellant has an additional three days to file the notice of appeal with the appropriate circuit court and send a copy to the Commissioner. Within 30 days of filing the notice appeal with the appropriate circuit court and copying the Commissioner, the appellant must file a written petition for appeal to circuit court with the appropriate circuit court. A copy of the petition for appeal to circuit court must also be served on the Commissioner.