

WHAT HAPPENS AT THE HEARING?

The person who conducts the hearing is an official from the Virginia Department of Social Services or the Department of Medical Assistance services, not someone from your local social services agency. The hearing officer makes a decision on your appeal.

You will get a notice about the date and time for your hearing at the local social services agency or at a location that is agreeable to you and the agency. If you cannot be there on that day, call your service or eligibility worker immediately. If you need transportation, the local agency will provide it.

Your hearing will be by telephone or face-to-face. If you prefer a face-to-face hearing, you must notify the hearing officer immediately upon getting your scheduling letter.

You may bring a representative and/or witnesses to the hearing to help you tell your story. Your service or eligibility worker, a local agency supervisor, and possibly other agency staff who know about your case may also be at the hearing to tell how the agency's decision was reached.

At the hearing, you and/or your representative will have the opportunity to:

- Examine all documents and records that will be used at the hearing;
- Present your case or have it presented by a lawyer or by another authorized representative;
- Bring witnesses;
- Establish pertinent facts and advance arguments; and
- Question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

The hearing officer will base the decision or recommendation only on evidence and other material introduced at the hearing, except when medical information is requested or other essential information is needed. In this case, you and the local social services worker will have an opportunity to question or refute this additional information.

The hearing officer will notify you in writing of the decision on your appeal within 60 days of the date your appeal request is received by the Virginia Department of Social Services. The hearing officer will notify you of the decision within 90 days of the date your appeal for Medical Assistance is received by the Department of Medical Assistance Services.

REVIEW OF HEARING OFFICER'S DECISION

You have the right to seek judicial review of the hearing officer's decision on your case for a money payment, food stamps, services, or Medical Assistance. You may request a judicial review if you disagree with the decision and want a court to make a final determination in your case. If you seek to have the hearing officer's decision reversed, you must file an appeal in the circuit court in the locality where you live within 30 days of receiving the hearing officer's decision. **Going to court is the only way to change the hearing officer's decision.**

Both you and the local agency that took the action on your case have the right to request an administrative review of the hearing officer's decision for money payments, SNAP and service cases. The review will be conducted by the Administrative Review Panel of the Virginia Department of Social Services. **This panel cannot change the hearing officer's decision** but, it will review the decision and/or

the way in which the hearing was conducted. The Administrative Review Panel will determine if the agency's instructions or procedures that were the basis for the hearing are clear. You must submit your request for an administrative review within 10 days of the date of the letter informing you of the hearing officer's decision. If you want an administrative review of the hearing officer's decision, send your request to:

Administrative Review Panel
Appeals and Fair Hearings Unit
Virginia Department of Social Services
801 East Main Street
Richmond, Virginia 23219-2901

IT IS YOUR RIGHT TO APPEAL the decision of the local social services agency; consequently, if you want more information or help with an appeal, you may contact the local social services agency. It will not cost you anything to request a fair hearing, and you will not be penalized for a fair hearing.

If you would like free legal advice you may contact Legal Aid by calling:

1-866-534-5243

"Services of the Virginia Department of Social Services are provided without regard to race, color, national origin, disability, sex, age, political beliefs, or religious creed."



APPEALS AND FAIR HEARINGS

Note: The information in this pamphlet does **NOT APPLY** to the Child Protective Services Program.

WHAT IS A FAIR HEARING?

A fair hearing is an opportunity to review the way a local social services agency handled your situation about your need for services, money payments, SNAP benefits (food stamps) or Medical Assistance (Medicaid, FAMIS/FAMIS Plus/ FAMIS MOMS, and Plan First).

The fair hearing is a private, informal meeting with you and anyone you want to bring as a witness or to help you tell your story, such as a lawyer. A representative of the local agency will be present at the hearing. The hearing will be conducted by a hearing officer, who is the official representative of the Virginia Department of Social Services or the Department of Medical Assistance Services.

UNDER WHAT CIRCUMSTANCES MAY I REQUEST A HEARING?

You may ask for a hearing about SNAP or benefits or money payments if:

- Your application is denied or the agency refuses to take your application;
- You think your money payment or the amount of SNAP benefits is incorrect;
- You do not receive a notice from the agency, within 30 days of the date you apply, that your money payment application has been approved or denied, or that your application has not been acted on for a specific reason;
- You do not receive a notice from the agency, within 30 days of the date you apply, that your SNAP application has been approved or denied, or that the agency needs more information;
- You disagree with any local agency action that affects your money payments or SNAP benefits; or
- You are required to do something you think is unjust.

You may ask for a hearing about services or Medical Assistance if:

- An application for services (or for payment for services provided) is denied;
- The local social services agency has refused to accept your application;
- You have applied for services (or for payment for services provided), or Medical Assistance, and you have not heard from the social services agency within 45 days of making your application (90 days for Medicaid applications involving a disability determination);
- Your services have been decreased or terminated; or
- You have requested an increase in services (or services payments), but the request has not been approved.

HOW DO I REQUEST A CONFERENCE WITH MY LOCAL SOCIAL SERVICES AGENCY?

In addition to filing an appeal, you may request a conference with your local social services agency. In the conference, the agency will give you an explanation of its proposed action. You must also be given the opportunity to present any information on which your disagreement with the agency's proposed action is based. You have the right to have your story presented by an authorized representative such as a friend, relative, or lawyer at such a conference.

If you request the conference within 10 days of your advance notice of proposed action to decrease, suspend, or terminate your services, general relief, auxiliary grant, or food stamps, the proposed action will not be taken until a decision is made at your conference.

If you are not satisfied with the local social services agency's action after the conference, and you want to request that your money payments or SNAP benefits be continued

as usual until a hearing decision is received, you must file an appeal within two days following the date of the conference.

If you do not request a conference but file your appeal within 10 days of your advance notice of action to decrease, suspend, or terminate your services, general relief, auxiliary grant, or SNAP benefits, your services or benefits may be continued until a hearing decision is reached. If you do not request a conference but file an appeal before the effective date of action to decrease, suspend, or terminate your TANF/VIEW, Refugee Assistance, or Medical Assistance, your benefits may be continued. Please note however, if your benefits are continued, you may have to repay the assistance received during the appeal process if the agency's action is upheld.

If you request an appeal for SNAP benefits, the local social services agency must offer you a conference after your appeal is filed.

HOW DO I ASK FOR A FAIR HEARING?

Requests for a hearing for services or Medical Assistance must be in writing. You may ask for a hearing for food stamps or for money payments in writing or orally. You may ask for a hearing by telephone by calling your local social services agency or by calling the Virginia Department of Social Services toll-free at: 1-800-552-3431. For deaf/hearing impaired persons, call 1-800-552-7096.

For written requests, other than for Medical Assistance, you may complete a form available from your local social services agency, online at www.dss.virginia.gov/benefit/fs/forms.cgi, or you may write a letter to the Virginia Department of Social Services. You may write to the Department of Medical Assistance Services to request a hearing for Medical Assistance or complete a request form available online at www.dmas.virginia.gov/downloads/forms/DMAS-200.pdf.

You must ask for a hearing for services, money payments or Medical Assistance within 30 days of the written notice to you about the agency's action(s) or proposed action(s). You must ask for a hearing for SNAP benefits within 90 days of the written notice to you about the agency's action(s) or proposed action(s).

You must also ask for a hearing within 30 days if the local social services agency failed to accept your application for services, money payments or Medical Assistance, or failed to act on your application or written request for a change in the amount, kind, or conditions of services or money payments.

You must ask for a hearing for SNAP benefits within 90 days if the local social services agency failed to take your application or failed to take timely action on your application.

You may ask for a hearing or you may have an authorized representative make the request on your behalf. If you need assistance, contact your eligibility or service worker.

Send requests for hearings for money payments, SNAP benefits, or services to:

Hearing and Legal Services Manager
Virginia Department of Social Services
801 East Main Street
Richmond, Virginia 23219-2901

Mail or fax requests for hearings for Medical Assistance to:

Appeals Division
Department of Medical Assistance Services
600 E. Broad Street
Richmond, Virginia 23219

Fax Number (804) 371-8491