

## Hearing Rights

You have the right to a hearing if you have applied for or are receiving Financial Assistance, MO HealthNet, or Food Stamp Benefits, and the following happens.

- The Family Support Division (FSD) decides that you are not eligible and you think you are.
- The FSD provides you with cash, MO HealthNet, or Food Stamp benefits and then reduces or stops the benefits and you think the reasons are wrong.
- You disagree with the information used to determine the benefit amount or disagree with the benefit amount.
- The FSD refuses to take your application.
- The FSD does not act promptly on your request for help and you think that they have had enough time to do so.

If your application has been refused or rejected or the planned action has already been taken, you may request a hearing within 90 days of the refusal or action.

If the proposed action will change or stop your benefits and you request a hearing within ten days from the date of the notice, you may continue to receive the same benefits until the hearing decision.

## Requesting a Hearing

You or your representative may request a hearing by phone, in-person, or in writing. You will be asked why you disagree with the action or proposed action on your case. This is the reason for the hearing.

- To request a hearing by phone, contact the FSD at 855-373-4636. If you request a hearing by phone, an FSD team member will

complete the hearing request form for you.

- If you request a hearing in-person, an FSD team member will complete the form for you. You may request a form, take it with you, and mail it back.
- If you request a hearing in writing, the FSD will complete the form for you and will enclose your written request.

You will be notified in writing of the date, time, and place for your hearing. You will be scheduled for a telephone hearing at your local FSD office.

If there is a reason you cannot participate in a telephone hearing or are not available on the scheduled date, you will be instructed to contact the Administrative Hearings Unit.

## Preparing for the Hearing

A pre-hearing conference will be scheduled with an FSD supervisor. This DOES NOT replace the hearing.

The FSD will give you copies of your case record and any information they used to arrive at the action. If you need more information from FSD, ask an FSD team member. The FSD team member will provide you as much information as possible.

You may need to provide information to prove the reason for your hearing request. This information may include:

- Medical records or a written statement from a doctor.
- Proof of income or expenses or changes in income or expenses.
- A witness who can verify your statements.

Write down the reasons for your hearing before the hearing and bring the list with

you. This will make sure your concerns and questions are covered.

**If you do not have an attorney or cannot afford one, you may be eligible for free legal services.**

**The telephone number to inquire about free legal services is included in notices from FSD. If you do not have the number, call toll-free 855-373-4636.**

## The Hearing

There is no cost to you to have a hearing with the FSD. The hearing is held in the local FSD facility with the Hearing Officer on speaker phone.

You must be present, or make other arrangements with the hearings officer

A Hearings Officer will preside over the hearing and will lead everyone through the process. The Hearings Officer will swear in all witnesses.

The FSD will present the reasons for their actions and documents to support the actions.

You and/or your representative will present the reasons you do not agree, including any facts and documents you have to submit.

The Hearings Officer will allow you time to question all witnesses and will question the witnesses to ensure all evidence is presented and discussed.

## The Hearing Decision

You will be notified of the results of the hearing in writing by the FSD. The decision is based on the evidence and testimony presented at the hearing.

When the hearing decision results in a change in your benefits or if the FSD changes its decision before the hearing, the FSD will adjust your case. You will receive a notice of any changes.

If you or your representative does not agree with the hearing decision, you have 90 days to request forms and appeal the decision to the Circuit Court. Instructions to request forms will be included on your decision.

### **Questions and Answers**

#### **Can I change my mind after I requested a hearing?**

Yes, you can change your mind. If you do not want the hearing, notify the FSD. You will be asked to complete a form to withdraw your request.

#### **Can the FSD withdraw from a hearing?**

Yes, the FSD can withdraw from a hearing if they find that they have made an incorrect determination. You will receive a notice of their action.

#### **What if I cannot attend the scheduled hearing?**

Contact the Administrative Hearings Unit. The hearing may be rescheduled in some circumstances. If you do not attend, the decision may be in favor of the FSD.

#### **Can I continue to receive the same amount of benefits until the hearing decision?**

In some cases you can, you should discuss this with an FSD team member. If the FSD is affirmed, any benefits you are not eligible for will need to be paid back.

#### **Do I need a lawyer?**

No, but you may have a legal representative if you want. You may also represent yourself or have a friend or relative represent you.

#### **Can I reapply while waiting for a hearing?**

Yes, you may reapply at any time and continue to report changes on your case.

### **CIVIL RIGHTS LAW**

In accordance with Federal Law and U. S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. Any person who believes s/he may have been the object of such discrimination may file a written complaint with the County office or the Family Support Division, giving the specific details as to how and when the discrimination took place. Send complaints to the Office of Civil Rights, P. O. Box 1527, Jefferson City, Missouri 65102.

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

To file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or any USDA office, or call (866) 632-9992 to request the form.

You may also write a letter containing all of the information requested on the form. Send your completed complaint form or letter to us at: U.S. Department of Agriculture, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

Individual who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, contact the USDA Snap Hotline Number at (800) 221-5689, which is also in Spanish or call the State Information/Hotline Numbers (click the link for a listing of hotline numbers by State); found online at [http://www.fns.usda.gov/snap/contact\\_info/hotlines.htm](http://www.fns.usda.gov/snap/contact_info/hotlines.htm). USDA is an equal opportunity provider and employer.

IM-4 (Hearing Rights)

(05-14)



## **Important Information About Your Hearing Rights**