

You Have the RIGHT To a Hearing!

You have the right to a hearing if you have applied for or are receiving Financial Assistance, Medical Assistance or Food Stamp Benefits, and:

- The county office decides that you are not eligible and you think you are, or
- The county office provides you with a cash grant, medical assistance, or food stamp benefits and then reduces or stops them and you think the reasons are wrong, or
- The county office refuses to take your application, or
- The county office does not act promptly on your request for help and you think that they have had enough time in which to do so, or
- You disagree with the information used to determine the benefit amount or disagree with the benefit amount.

If your application has been refused or rejected or the intended action has already been taken by the county office, you may request a hearing within 90 days of the refusal, or the 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 be eligible to continue receiving the same benefits until the hearing decision. You may request a hearing within 90 days.

Before you request a hearing:

You can ask for a meeting with your eligibility specialist and his/her supervisor to discuss the action taken or the proposed action.

At the time of the meeting, you may:

- Discuss the action and its effect upon you and your household.
- Help your eligibility specialist understand your concerns.
- Ask your eligibility specialist to help you understand the actions being taken on your case.
- Discuss what happens if you want your benefits continued during the hearing process.

This meeting does not replace a Hearing!

If you still disagree or do not understand the Agency's actions, you can request a hearing!

WHAT DO I DO WHEN I HAVE DECIDED TO REQUEST A HEARING?

Request a Hearing

- Contact the local office to request the hearing.
- You or your representative may make the request in person, by phone, or in writing, within 90 days of the date of the notice to you.
- You will be asked what you do not agree with. This will be the reason for the hearing.
- If you request a hearing in person, your eligibility specialist will help you complete the form. You may take the form with you and send it back.
- If you request a hearing by phone, the eligibility specialist will complete the request form for you.
- If you request a hearing in writing, the eligibility specialist 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. This notice will be sent by certified or registered mail. If the notice is for a telephone hearing and you desire an in-person hearing instead, you must return the notice within 5 days. An “in person” hearing means the Hearings Officer will be present in the room for the hearing. A “telephone hearing” means the Hearings Officer will be on the telephone for the hearing.

Get Ready for the Hearing

- Your eligibility specialist will give you copies of the case record which directly relate to your hearing request.
- If you need more information from the Agency, ask your eligibility specialist. Your eligibility specialist will provide as much information as possible.
- A pre-hearing conference will be scheduled with the supervisor. This does not replace the hearing.
- You may need information to prove the reason for your hearing request:
 - If your hearing is about a medical question, bring a written statement from your doctor.
 - If your hearing is about your income or expenses, bring proof of the income or expenses.
- Write down ahead of time, your reasons for requesting 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 these services.

The telephone number to inquire about free legal services is included in notices from the Family Support Division. If you do not have the number, contact your local FSD office.

Attend the Hearing

- A Hearings Officer will preside over the hearing and will lead everyone through the process.
- The hearing is held locally with the Hearings Officer either on speaker telephone or in-person, without cost to you. You will be expected to be present for the hearing. A “telephone hearing” means the hearings officer is on the telephone. You will be present. If you cannot be present, let the Hearings Officer know.
- The Hearings Officer will swear in all witnesses.
- The Agency will present the reasons for their action and documents to support the action.
- You and/or your representative will present the reason you do not agree, including any facts and documents you bring with you.
- The Hearings Officer will allow you time to question all witnesses.
- The Hearings Officer will question all witnesses to make sure all evidence essential to the hearing is discussed.

FREQUENTLY ASKED QUESTIONS

Can I change my mind after I have requested a hearing?

Yes, you can complete a form to withdraw your request for a hearing if you do not want to have the hearing. Notify your eligibility specialist. You will be asked to sign a form.

Can the Agency withdraw from the hearing?

If the Agency finds their proposed action is a mistake, they can withdraw from the hearing and leave the case the way it was. You will be notified of this action.

What if I cannot attend the scheduled hearing?

Contact the Hearings Officer when you cannot attend the hearing. The hearing may be rescheduled in some circumstances. If you just do not come to the scheduled hearing, the decision may be in favor of the Agency.

If you have questions about any proposed action or action already taken, or you feel any proposed action or action already taken is incorrect, contact your Eligibility Specialist!

THE HEARING DECISION

You will be notified of the results of the hearing in writing by the Family Support Division. The Director's decision will be based upon the evidence and testimony presented at the hearing and the recommendations of the Hearings Officer.

When the decision results in a change in your benefits or when the county office changes its decision before the hearing, the county office will make an adjustment to your case. You will receive notification when changes are made to your case.

If, within 90 days of this decision, you still feel you have been treated unfairly, or you do not agree with the decision, you or your attorney may request forms and appeal the decision to the Circuit Court. The instructions will be on the decision you receive in the mail.

Can I get the same amount of benefits until the hearing decision?

In some cases you can, but you should discuss this with your eligibility specialist. For example, if you continue to receive food stamp benefits and the hearing decision is that you are not eligible for them, you will have to pay them back.

Do I need a lawyer?

You do not need a lawyer, but may have a legal representative if you want to. You may also represent yourself or have a friend or relative do so.

Can I reapply while waiting for a hearing?

You should continue to report changes and may reapply any time. Your hearing is only on the action you do not think is right.

CIVIL RIGHTS LAW:

In accordance with Federal law, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability.

To file a complaint of discrimination for any Family Support Division assistance program, contact your local Family Support Division Office, call the Office of Civil Rights at 1-800-776-8014, or write The Office of Civil Rights, P.O. Box 1527, Jefferson City, MO 65102-1527.

To file a complaint of discrimination for the Food Stamp Program, contact your local Family Support Division Office, call (800) 795-3272 (voice) or (202) 720-6382, or write, USDA Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410

**Missouri Department of Social Services
PO BOX 1527**

Jefferson City, MO 65102

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Services provided on a nondiscriminatory basis

IM-4 (Hearing Rights)

(04-06)



Important Information About Your Hearing Rights