

**NORTH CAROLINA DIVISION OF SERVICES FOR THE BLIND
PROGRAMS AND FACILITIES SECTION
SPECIAL ASSISTANCE FOR THE BLIND PROGRAM**

Section:	Chapter 3
Title:	Appeals Process
Revision History:	Revised 08/02

I. APPEALS PROCESS

A. If an applicant or recipient is dissatisfied with the Agency's action in his/her case, he/she may request a conference by submitting an Application for Conference (DSB-7219) with the DSB Area Social Services Supervisor.

1. A conference shall be held within 15 calendar days from the receipt of the original request. A summary of the conference will be sent to the a/r within 15 days with a copy to the Director.
2. If the conference solves the grievance or dissatisfaction, this shall be stated in writing by the Supervisor and signed by the applicant/recipient.

B. If an applicant or recipient is not satisfied with the results of the Conference, he/she shall be informed of his/her right to a fair hearing by the Agency's designated representative.

1. All petitions for review of Agency decisions shall be heard by the Office of Administrative Hearings.
 - a. DSB shall notify the applicant or recipient in writing that he has the right to petition the Office of Administrative Hearings and request a fair hearing.
 - b. The Division shall notify the applicant or recipient to contact OAH and request the specific forms which the applicant or recipient must complete. In this same written notice the applicant or recipient shall be instructed that he/she has 60 calendar days from the date he/she receives the Agency notice to request a fair hearing through OAH.
 - c. Any petition for a contested case must be returned by the applicant or recipient directly to the Office of Administrative Hearings at the following address:

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Office of Administrative Hearings
Capeheart-Crocker House
424 North Blount Street
Raleigh, NC 27601-2817

II. RIGHT TO CONTINUATION OF BENEFITS

A. A recipient whose benefits are changed or reduced may be entitled to continuation of benefits while awaiting a conference decision if the request for a conference is received within the fifteen (15) day notice period. Continuation of benefits applies only to recipients. It does not apply to applicants who are denied assistance because there are no benefits to continue.

1. If a recipient appeals a reduction or termination of benefits on or before the effective date of the change (15 calendar days after the notice is mailed or given to the recipient), he/she has the right to continued benefits until the end of the month in which the conference with the DSB Area Social Services Supervisor is held and a decision is rendered. The recipient is not entitled to continued benefits if the conference is not requested within the 15-day notice period.
2. When the recipient requests the conference, advise him/her that:
 - a. If the reduction or termination of benefits is affirmed by the DSB Area Social Services Supervisor, he/she may be required to repay the benefits he/she received while awaiting a decision.
 - b. He/She has the right to choose not to continue to receive benefits.

EXAMPLE:

Mrs. Jones received a notice from the SAB Eligibility Specialist dated October 1 that her SAB payment was being reduced effective November 1. Mrs. Jones had until October 16 to request a conference and she decided to do this since she did not agree with the decision. She notified the SAB Eligibility Specialist (or the SWB) of her intent, was provided with an Application for Conference (DSB-7219) and she submitted the form to the DSB Area Social Services Supervisor on October 13. The conference was held on October 27 and the Supervisor sent the report on the conference to the recipient on November 5. Thus, Mrs. Jones was eligible to receive the SAB payment through November. However, the Area Social Services Supervisor affirmed the decision of the SAB Eligibility Specialist to reduce benefits and thus Mrs. Jones

owed the DSB the amount she received for November that she was not eligible to receive.

B. A recipient does not have the right to receive continued benefits if:

1. The change is beneficial to the recipient.
2. The recipient dies.
3. He/She is admitted to a public institution and no longer qualifies for assistance.
4. He/She signs and dates a written statement or requests to have his/her assistance terminated or reduced.
5. The recipient is placed in skilled nursing care, intermediate care, or long-term hospitalization.
6. A recipient's whereabouts are unknown and agency mail sent to him/her has been returned by the post office indicating no known forwarding address.
7. Assistance authorized for a specific period is terminated and the recipient was informed in writing at approval that such benefits would stop at a specific time.

C. A recipient does not have the right to continuation of benefits if he/she is not satisfied with the decision of the conference with the DSB Area Social Services Supervisor and exercises his/her right to request a fair hearing to the Office of Administrative Hearings. Federal law states the recipient has the right to continuation of benefits until the first conference.