
**ENERGY PROGRAMS
APPEALS AND HEARING PROCESS**

**EP – 135 APPEALS AND HEARING PROCESS
CHANGE #1-2011
December 1, 2011**

135.01 NOTICE

The County Office will issue notices on both approved and denied cases.

135.02 HEARINGS PROCESS

Applicant's/Recipient/s (A's/R's) Rights

A. An A/R has the right to appeal when:

1. Denied the right to apply for benefits.
2. Benefits are denied.
3. A decision is not made on the application in a timely manner.
4. Believes the payment was figured incorrectly.
5. Not satisfied with the decision made on the case.

B. The A/R may request an appeal either orally or in writing.

C. Requesting the Local Hearing

1. The A/R has 60 calendar days from the notice date to request a local hearing.
2. Local hearings must be held within five calendar days of the hearing request.
3. A/R's who can establish good cause as defined in section D below have until the 90th calendar day of the notice to request a hearing.

D. Good Cause Reason For Not Requesting A Hearing Timely

1. Acceptable good cause reasons for the A/R not requesting the hearing within 60 calendar days are:
 - a. Failure of the A/R to receive the notice; or
 - b. Extended hospitalization of the A/R or spouse, child, or parent of the A/R; or
 - c. Failure of a representative, acting on the A/R's behalf, to meet the time frames; or
 - d. Illness which results in the incapacity of the A/R; or
 - e. County caseworker does not assist the A/R in filing an appeal; or
 - f. County caseworker gives no information, incomplete, or incorrect information on appeal rights. For example, the county caseworker did not inform the A/R of his appeal rights during the interview; or

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g. County caseworker discourages the A/R from filing a request for an appeal.

2. Acceptable verification to substantiate a good cause reason may include but is not limited to:

a. Doctor's statement; or

b. Hospital bill; or

c. Written statement from the individual knowledgeable about the situation.

If the A/R establishes good cause, conduct the hearing. If the A/R does not establish good cause, deny the request for a hearing.

E. Follow the procedures in Section 264 of the Work First Manual on conducting the local hearing.

F. Requesting a State Hearing

1. The A/R has a right to request a State hearing only after a local appeal hearing has been held and a decision has been rendered. The A/R must request a State appeal within five calendar days from the date of the local hearing decision unless good cause is established. (See D. above for good cause reasons.)

2. If the A/R does not request the State hearing within five calendar days from the date of the local hearing decision, he must:

a. Request the hearing no later than 90 calendar days from the date on the energy check; and

b. Show good cause. (See D. above for good cause reasons.)

3. When an A/R requests a State hearing after five calendar days, determine whether the request is within 90 calendar days from the date on the energy check.

a. If the request is not within 90 calendar days, deny the request for a hearing.

b. If the request is within 90 calendar days, you must establish whether the A/R has good cause. (See D. above for good cause reasons.)

G. The State hearing officer will follow procedures in Work First Manual Section 264 for conducting a State hearing and has 15 calendar days to render a decision.

H. If the A/R is not satisfied with the final State hearing decision, a petition for judicial review in superior court may be filed within 30 calendar days.

I. A/R has a right to be represented at the hearings by the person of his choice, including an attorney obtained at his expense or free legal services. The A/R can call DHHS Customer Service Center at 1-800-662-7030 for the number for legal services information.

135.03 RESPONSIBLE COUNTY IF APPLICANT MOVES

An A/R who moves to a new county of residence can request a hearing regarding LIEAP. The new county of residence will be responsible for conducting the hearing. Contact the first county to obtain all records.