Department of Children & Family Services Building a Stronger Louisiana	**Division/Section**	Family Support
	Chapter No./Name	7 – Administrative Procedures Manual
	Part No./Name	K – Fair Hearing
	Section No./Name	K-600 Responsibility When a Fair Hearing is Requested
	Document No./Name	K-610 Agency Responsibilities When a Fair Hearing is Requested
	Effective Date	September 1, 2024

I. STATEMENT OF POLICY

K-611-PO SUPERVISORY REVIEW AND AGENCY CONFERENCE

The agency must offer to hold an agency conference with the dissatisfied party to review the issue being appealed except with respect to recovery claims. Agency policy as well as specific case factors will be reviewed. The conference must be held within two workdays of the request,* orally or in writing, unless the client requests that it be held later. If the client cannot be reached by telephone, the agency must send a letter within two days offering to hold a conference as soon as possible. The agency must advise the client of his right to have a representative, including legal counsel, present for the agency conference by providing the A Fair Hearing Your Right to Appeal Flyer, OFS 5F.

An Economic Stability (ES) Manager, an ES Supervisor or ES Specialist must conduct the agency conference. It may be conducted by telephone if the client agrees. The worker/manager/specialist may participate if the supervisor deems this appropriate and the client is in agreement.

If the review or the conference reveals that the complaint can be resolved within agency policy, the agency must immediately correct the action. This must be confirmed with the claimant in writing by sending the Fair Hearing Withdrawal Notice, OFS 5FHW. If the complaint cannot be resolved, the agency must explain the appeals procedure, the manner in which the client may be represented and what specific issues might be settled in a Fair Hearing. An Appeal Request must be created in LITE, as well as a Summary of Evidence (SOE) detailing the actions taken on the case. The Appeals Request, SOE and all supporting documentation/evidence must be emailed to the Appeals Unit within seven days of receipt of the Fair Hearing request.

K-612-PO AGENCY ASSISTANCE IN FILING REQUEST

K-612-1-PO Claimant Makes Request to the Agency

Anytime the client, either orally or in writing, makes a request for a Fair Hearing to the agency, the agency must submit the request to the DCFS Appeals Unit. All requests for a Fair Hearing must be submitted within 90 days for a SNAP case and 30 days for a FITAP/KCSP case.

II. PROCEDURES

K-611-PR SUPERVISORY REVIEW AND AGENCY CONFERENCE

If the review or the conference reveals that the complaint can be resolved within agency policy, the agency must immediately correct the action. This must be confirmed with the claimant in writing by sending the OFS 5FHW. ** If the complaint cannot be resolved, the agency must

explain the appeals procedure, the manner in which the client may be represented and what specific issues might be settled in a Fair Hearing.

K-612-PR AGENCY ASSISTANCE IN FILING REQUEST

K-612-1-PR Claimant Makes Request to the Agency

All requests for a Fair Hearing, whether oral, written, or inappropriate, must be routed to the DCFS Appeals * Unit within seven calendar days of receipt. When submitting a request, the agency must:

- Ask the client to give a reason for requesting a hearing. The client or the worker/manager/specialist must record the reason on the request. Attempt to have the client sign the request if the request is made in person.

- Continue benefits at the level prior to the request if the client makes the request within the advance notice period (unless the client specifically waives continuation of benefits).

- Create an Appeal Request in LITE to send to the DCFS Appeals Unit or to complete a withdrawal using the following steps:

    - Click Others, then Appeals, then Appeal Request on the Home Page in LITE.
    - Click Add Hearing Request on the Appeals Request/Appeals Search screen.
    - Select the Program (KCSP, SNAP, FITAP or DSNAP).
    - Enter the Client's SSN and click SEARCH. The client's First Name, Last Name and Case ID are automatically populated.
    - Select Fair Hearing from the Appeal Type dropdown box. If the client has an Authorized Representative (AR) listed on their case, the AR's name will automatically populate. If the client reported an Appellant Representative on the Fair Hearing request, click the box next to Add Appellant Representative. Click NEXT.
    - The Appeal Request Eligibility – Details screen displays the previous eligibility determinations for the case. Select the benefit period that the client is appealing and click SUBMIT.
    - Click Maintain Appeal, then on the Left Navigation Menu click Summary of Evidence.
    - Enter either the Appeal ID, the client's First and Last Name, or the client's SSN and click SEARCH.
    - Click the Edit pencil. On the Maintain Appeal Request screen, on the Left Navigation Menu click Summary of Evidence. The Appeal ID, Case ID, client's First and Last Name, client's SSN, and the Program are automatically populated.
    - Enter the Agency Representative and Supervisor details.
        - Enter the Name, Email and Telephone of the Agency Representative.
        - Enter the Name and Email of the direct Supervisor.
    - Enter the Agency Representative and Supervisor Address. **

- * The Hearing Address will be automatically populated to be the office closest to the client's address on file.
- Answer the questions in the Agency Conference Details section.
  - If the question "Was an Agency Conference held?" is answered No, the SOE section must be completed.
    - ✓ The Period Loss includes the benefit period the client is appealing.
    - ✓ The Action Appealed is the case action the Agency took that the client is appealing.
    - ✓ The Applicable Policies are the State and Federal Policies the Agency used to determine eligibility.
    - ✓ The Summary of Facts are the details of the events which occurred while determining eligibility.
    - ✓ The Related Documents are all documents pertaining to the case action being appealed. These include but are not limited to Applications, Redeterminations, Simplified Reports, Change Forms, case notes, verifications, budget worksheets, copies of Notices, and any applicable State and/or Federal policies that were in effect at the time the case action was taken.
    - ✓ Witness is the name of the Agency Representative.
    - ✓ Click upload to attach all Related Documents to the SOE. The documents may also be emailed to the DCFS Appeals Unit.
    - ✓ Click assign to appeals.
  - If the question "Was an Agency Conference held?" is answered Yes, the Agency Conference Details section must be completed.
    - ✓ Enter the date the Agency Conference was held.
    - ✓ Answer the question "Was the appeal withdrawn during the Agency Conference?".
      - ❖ If No, the SOE section must be completed (see steps above).
      - ❖ If Yes, click WITHDRAW APPEAL.
    - ✓ The question "Did Claimant have legal representation?" must be answered. If Yes, the question "If yes, was the representative present?" must be answered.
    - ✓ An OFS 5FHW will be generated and sent to the client.

K-612-2-PR Claimant Makes Request Directly to the DCFS Appeals Unit

If the claimant contacts the agency but prefers to mail the Fair Hearing request directly to the DCFS Appeals Unit, he must be given the DCFS Appeals Unit's address and information he needs to include. He must be reminded that his copy of the notification letter should be used to send his request and that a copy will be returned to him by the DCFS Appeals Unit. The claimant must be carefully advised of the time limit for submitting his request. The advance notice period must be stressed, if applicable. When the claimant requests a Fair Hearing by this method, the request date will be the postmark date on the envelope. The DCFS Appeals Unit ** must contact the agency promptly when the request is received. (A proposed action must be taken by the

agency if there has been no contact from the DCFS Appeals * Unit at the end of the advance notice period.)

Upon notification from the DCFS Appeals Unit of the receipt of a request for a Fair Hearing, someone in a supervisory capacity in the local office must review the case record promptly to determine if adjustments are necessary. The client must be contacted as soon as possible to offer an agency conference. If an action, proposed action or inaction was incorrect, the error must be promptly corrected. The claimant must be notified in writing and a copy of this must be sent to the DCFS Appeals Unit. ** (When such correction is made, the hearing may be canceled only if the claimant requests withdrawal of his request for a Fair Hearing; refer to K-910.)

III. FORMS AND INSTRUCTIONS

OFS 5F Form/Instructions A Fair Hearing Your Right to Appeal Flyer

IV. REFERENCES

7 CFR 273.15

LAC 67:III.Subpart 1 General Administrative Procedures. Chapter 3 Hearings