



Office of Temporary and Disability Assistance

Frequently Asked Questions

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What are some of the reasons why I might need a Fair Hearing?

- Your Application for Public Assistance, Medical Assistance, Supplemental Nutrition Assistance Program, Home Energy Assistance Program (HEAP) benefits or Services is denied, and you do not agree with this decision.
- You applied for Public Assistance, Medical Assistance (except as a disabled person), SNAP or Services, and more than 30 days have passed. You have not been told yet if your Application has been approved or denied. For some adults applying for Public Assistance, the decision may take up to 45 days.
- You applied for Medical Assistance as a disabled person, and more than 90 days have passed. You have not been told yet if your Application has been approved or denied.
- You have been told that, due to your abuse of Medical Assistance, you must get your medical care from one main provider (Recipient Restriction Program). You do not agree with this decision.

- You are getting Public Assistance, Medical Assistance, SNAP or Services, and you have been told that your case is being closed. You do not agree with this decision.
- Your local department of social services uses part of your Public Assistance to pay directly for your bills such as heat, rent, utilities or child care (restricted payments). You do not agree with this.
- You ask for more assistance or services for a special need and you are told you cannot get it. You do not agree with this.
- You are getting Public Assistance or SNAP each month and you are told that you will be getting less. You do not agree with this.
- You believe that the amount of HEAP benefits you received is incorrect.
- You are told that you are able to work (employable), and you do not agree with this.
- You think the amount of your Public Assistance or SNAP is wrong.
- You are getting Medical Assistance, but you have to pay part of the cost. You think your share is too much.
- You are getting Medical Assistance and you disagree with a local agency decision about enrollment in a Managed Care Plan.
- You are getting Medical Assistance and are enrolled in a Managed Care Plan and disagree with the plan's decision about your health benefits or services under the plan (clinical issues).

At a Fair Hearing you will have a chance to explain why you think the decision is wrong.

How do I ask for a Fair Hearing?

Information about requesting a fair hearing is available here: [Request a Fair Hearing](#)

Are there time limits for requesting a Fair Hearing?

- Yes, there are time limits. Generally, it is a good idea to request a hearing right away. If you wait too long, you may not be able to get a hearing.
- If you receive a notice that tells you that your **Public Assistance or Medical Assistance or Services** has been denied, will be stopped or will be reduced, you may ask for a Fair Hearing within **60** days from the date of the notice.
- If you receive a notice telling you that you must participate in work activities and you believe you should be exempt for medical reasons, you must request a hearing within **10** days of the date on the notice. Otherwise, you may lose your right to a hearing. If you believe you should be exempt from work activities for other reasons, you must request the hearing within **60** days from the date of the notice.
- If your notice tells you that your **SNAP benefits** have been denied, will be stopped or will be reduced, you may ask for a Fair Hearing within **90** days from the date of the notice. You may ask for a Fair Hearing if you think you are not getting enough SNAP benefits at anytime within the certification period.
- **Look at your notice to be sure of the time limits.** Your notice will tell you whether the time limit is 60 days or 90 days.
- **IF YOU DO NOT GET A NOTICE ABOUT YOUR CASE**, and your money, other help, or services are denied, stopped or reduced, you can also ask for a Fair Hearing.

Will I continue to receive my benefits while I'm waiting for my hearing?

- If you get a notice telling you that your money or other help will be stopped or reduced, and you ask for a Fair Hearing before the **effective date** on your notice, your money or other help will, in most instances, stay the same ("**aid continuing**") until the Fair Hearing decision is made. If the notice was not sent before the effective date, and you ask for a Fair Hearing within **10 days** of the **postmark date** of the notice, you also have the right to have your money or other help stay the same ("**aid continuing**") until the Fair Hearing decision is made.
- If you are requesting a Fair Hearing because you do not agree with a decision that you are not disabled or have work limitations, you must request the hearing within **10 days** of the date on the notice in order to be exempt from work related requirements while you are waiting for the Fair Hearing decision.
- **IF YOU DO NOT GET A NOTICE ABOUT YOUR CASE**, and your money or other help is stopped or reduced, you can still ask for a Fair Hearing. At the same time that you ask for a Fair Hearing, you can ask that your money or other help be restored ("**aid continuing**").
- In either case, if you get "**aid continuing**" and you lose the Fair Hearing, you will have to pay back any Public Assistance and/or SNAP you got while you were waiting for the Fair Hearing decision. Also, if you do get "**aid continuing**" and you lose the Fair Hearing, you may have to pay back any Medical Assistance you got while you were waiting for the Fair Hearing decision.
- If you **do not** want the money or other help you have been getting to stay the same until the Fair Hearing decision is made, you must tell us this when requesting your Fair Hearing.

How will I know if my benefits will continue?

The Office of Administrative Hearings will send you a notice (OAH-4420) confirming your request for a hearing and telling you whether or not your benefits will continue while you are waiting for your Fair Hearing decision.

How will I know if my electronic request was received?

The Office of Administrative Hearings will send you notification (OAH-4420 Acknowledgement of Fair Hearing Request) via US mail once the fair hearing request is processed.

How will I know when my hearing is scheduled?

The Office of Administrative Hearings will send you a notice (OAH-457) telling you when and where your hearing will be scheduled. If your hearing has been scheduled, you can also get this information by calling our toll-free number, 1 (800) 342-3334, and following the prompts. In most instances, your hearing will be scheduled about three to four weeks after it is requested.

What happens if I have an emergency?

If you are facing an emergency situation such as homelessness, eviction, fuel or utility shut-off, etc. or have been denied emergency assistance, you should make your situation known at the time of your request for a hearing. In such cases, your hearing will be scheduled and a decision issued as soon as possible.

What if I am unable to attend my Fair Hearing on the scheduled date?

If you are unable to appear at the scheduled date and time, you may request an adjournment. More information about requesting an adjournment is available here: [Request an Adjournment or Reopening](#)

What if I am disabled and unable to attend a Fair Hearing?

If you are disabled, and cannot travel, you may appear through a representative, either a friend, relative or lawyer. If your representative is not a lawyer, or an employee of a lawyer, your representative must bring the hearing officer a written letter, signed by you, saying that you want that person to represent you. If, however, you have no representative available and wish to participate directly in the hearing, a telephone hearing may be scheduled for you. You will have to provide medical documentation that states you cannot travel to the regular hearing location. When you request a hearing, you should tell the interviewer or indicate in your letter or fax that you are disabled and want a telephone hearing. You will then be contacted about where to submit your medical documentation and about telephone hearing procedures.

What happens if I do not appear for my Fair Hearing and I have not requested nor been given an adjournment?

- If you or your representative fail to appear at a scheduled hearing, your hearing request will be considered abandoned unless within one year of the scheduled date of the hearing, you or your representative request that your hearing be rescheduled and you have a valid reason for not attending.
- More information about reopening a hearing is available here: [Request an Adjournment or Reopening](#)

What do I do if I no longer want to have a Fair Hearing?

If you have scheduled a fair hearing and you feel the hearing is no longer necessary, you may withdraw your hearing request. More information about withdrawing a request for a Fair Hearing is available here: [Cancel a Fair Hearing](#)

How do I get ready for my Fair Hearing?

To help you get ready for the Fair Hearing, you have the right to look at your case record and get free copies of the forms and papers which your local agency will give to the Administrative Law Judge at the Fair Hearing. You can also get free copies of any other papers in your case record which you think you may need for the Fair Hearing. These documents should be given to you within a reasonable amount of time after you ask for them, but no later than the time of the hearing.

What should I bring to the Fair Hearing?

You should bring your scheduling notice, any witnesses you may have and any information that relates to the issue for the hearing such as:

- Paystubs
- Bills
- Doctor's statements
- Rent receipts
- Photo ID

Am I required to have someone represent me at the Fair Hearing?

No, it is not required that you have a representative. However, you may bring a lawyer, relative, or friend to the hearing to assist you in explaining why the agency's decision about your case is wrong. If you think you need a lawyer, you may be able to get one at no cost by calling your local Legal Aid, Legal Services Office, or local Bar Association.

Who will be at the Fair Hearing?

Someone from your local social services agency will be at the Fair Hearing to explain the decision about your case. You or your representative will be able to question this person and present your side of the case. You or your representative will also be able to question any witnesses which you bring to help you. The Administrative Law Judge will conduct the hearing, listen to testimony and collect evidence. The hearing will be recorded.

What if I have expenses related to my Fair Hearing?

- If you ask, you will be able to get back the money you had to pay for public transportation, child care and other necessary expenses to go to the fair hearing.
- If you are unable to use public transportation because of a medical problem, you may be able to get back the money you had to pay for another type of transportation. You may be required to submit a doctor's note verifying your medical problem.

- Please be prepared to provide verification of these costs at your hearing. You will be told how to obtain your money.

When and how will I get a decision?

Sometime after the completion of your hearing, a written decision will be mailed to you.

What happens if the decision says I won my Fair Hearing?

- If the decision shows that you won your Fair Hearing and your local social services agency is directed to take certain action, the agency should do this as quickly as possible.
- If you do not feel the agency has taken the action which the decision tells it to within a reasonable time after you receive the decision, you may submit a Compliance Complaint to us and we will investigate. More information about submitting a Compliance Complaint is available here: [Request Compliance With a Fair Hearing Decision](#)

If you did not win your hearing, you may bring a lawsuit in accordance with Article 78 of the Civil Practice Law and Rules. If you wish to do so and do not know how, you may contact the legal resources available to you, for example, County Bar Association, Legal Aid, Legal Services, etc. You must start a lawsuit within four months after the date of the decision.