

RHODE ISLAND EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

INFORMATION ABOUT HEARINGS FOR APPLICANTS AND RECIPIENTS OF FINANCIAL ASSISTANCE, SNAP, MEDICAL ASSISTANCE AND SOCIAL SECURITY

The Executive Office of Health and Human Services (EOHHS) Appeals Office is responsible for the administrative appeals for the Department of Human Services (DHS), Department of Children, Youth and Families (DCYF) and Behavioral Health Developmental Disabilities and Hospitals (BHDDH). The hearing process is intended to ensure and protect your right to assistance and your right to have agency decisions reviewed when you are dissatisfied with the result. The following information will help you prepare for your hearing and will inform you of what you may expect at the hearing.

1. How do I request a hearing?

You need to complete the accompanying form and submit it within the required time period, SNAP (90 days from the date of notice of agency action), GPA (10 days from the date of notice of agency action), ORS (45 days) and most other agencies 30 days from the date of notice of agency action. See regulations at www.sos.ri.gov for further information.

2. What is a hearing?

The hearing is an opportunity for you to explain your dissatisfaction with an agency decision and to have that decision reviewed by an impartial hearing officer. It is not a trial, but the hearing officer will hear evidence and testimony from both sides. Please come prepared.

The agency representative will explain why the action was taken based on the particular law and then you will have the opportunity to present your testimony, witnesses and documentary evidence. When both sides have been heard the hearing officer will explain what will happen next. The hearing will be recorded.

3. Who may attend the hearing?

Only the persons who are directly involved in the matter may attend. You may be represented by legal counsel if you choose, or have a relative or friend speak on your behalf. You may bring witnesses to testify on your behalf. The staff member or supervisor will represent the agency. To find out if you qualify for legal services and you may contact RI Legal Services at 274-2652 or 1-800-662-5034.

4. Where is the hearing held?

The hearing may be held at a regional or central office or in an individual's home when circumstances require. A telephonic hearing may be arranged if an appellant has medical issue or other special circumstances.

5. How can I learn about the applicable rules and regulations?

You may review the department's regulations at www.ohhs.ri.gov or on the RI Secretary of State's website at www.sos.ri.gov. You may also view the department's hearing decisions on the OHHS website.

6. What are my rights relative to the hearing?

You have the right to examine all documents and records to be introduced at the hearing at a reasonable time before the day of the hearing as well as during the hearing. Please bring with you all the documents that support your position and present them to the hearing officer.

You may present your case by explaining the situation yourself or by having a friend, relative or legal counsel speak on your behalf. You may bring witnesses with you who can provide testimony that supports your position and you can submit evidence in support of your case. You will have an opportunity to question or refute any testimony or evidence presented by the agency and to confront and cross-examine agency witnesses.

7. How will the decision be made?

The recorded testimony of the witnesses together with all the documents that have been submitted into evidence will be used to make a decision. The appeal process is generally completed within thirty (30) days of the receipt of your request, but should not exceed sixty (60) days for SNAP benefits and ninety (90) days for all other programs unless you request a delay in writing to prepare your case. You may also request for the record to be held open in order to present other evidence that may not have been available to you or considered by you before the hearing date.

The hearing officer will inform you, in writing of the decision within the allotted time following the hearing. If you are dissatisfied with the decision of the hearing officer you may appeal the decision to Superior Court for review.

8. How can this matter be resolved sooner?

Now that the hearing is scheduled you may still talk to your worker or the worker's supervisor to try to resolve your case. You may be able to send documents to the worker that will assist in resolving the matter. The hearing is not a conference amongst the parties toward settlement. If you can resolve the issue with your worker and you no longer need a hearing you may call the Appeals Office at (401) 462-2132 as soon as possible to withdraw your request for a hearing.

Be on time and be prepared. If you arrive more than (10) minutes late for your hearing, your case may not be heard that day. If you are not prepared at the hearing this may cause further delay in the decision-making process.