

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

**INFORMATION ABOUT HEARINGS FOR APPLICANTS AND RECIPIENTS OF FINANCIAL ASSISTANCE, FOOD STAMPS, MEDICAL ASSISTANCE, AND SOCIAL SERVICES**

The Department of Human Services (DHS) has a responsibility to provide financial assistance, food stamps, medical assistance, and social services to individuals and families for whom, eligibility is determined under the provisions of the Social Security Act, the Rhode Island Public Assistance Act, the Food Stamp Act, Rhode Island Medical Assistance Act and Title XX Social Services.

The hearing process is intended to insure and protect your right to assistance and your right to have staff decisions reviewed when you are dissatisfied. You have asked for a hearing because of an agency decision with which you disagree. The following information is sent to help you prepare for your hearing and to inform you about what you may expect and what will be expected of you when it is held.

1. What is a hearing?

A hearing is an opportunity provided by the Department of Human Services to applicants or recipients who are dissatisfied with a decision of the agency, or a delay in such a decision, for a review before an impartial appeals officer to insure correct application of the law and agency administrative policies and standards

2. Who conducts a hearing?

A hearing is conducted by an impartial appeals officer appointed by the: Director of the Department of Human Services to review the issue(s) and give a binding decision in the name of the Department of Human Services.

3. Who may attend a hearing?

A hearing is attended only by persons who are directly concerned with the issue(s) involved. You may be represented by legal counsel, if you choose, and another witness or a relative or friend who can speak on your behalf. The staff member involved in the decision and/or that worker's supervisor usually represents the agency. Legal services are available to persons wishing to be represented by legal counsel through Rhode Island Legal Services at (274-2652 or 1-800-662-5034).

**If an individual chooses to have legal representation, e.g., be represented by an attorney, paralegal, or legal assistant, the representative must file a written Entry of Appearance with the Hearing Office at or before the hearing.** The Entry of Appearance acts as a release of confidential information, allowing the legal representative access to the agency case record. It is also needed for the Hearing Office to confirm the representation for purposes of follow-up, review, request for continuances, etc.

4. Where is a Hearing Held?

The hearing may be held at a regional or central office or in an individual's home when circumstances require.

5. How Can You Learn About the Department's Rules and Regulations?

Section III of the DHS-121 shows the policy manual references, which are at issue in your hearing. You may review the Department's regulations at any DHS office during regular business hours or on the department's website at [www.dhs.ri.gov](http://www.dhs.ri.gov)

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You may also review the Department's hearing decisions rendered on and after April 1, 1987. They are available **only** at the DHS Central Administration Building, Louis Pastuer Buidling, #57, 600 New London Avenue, Cranston, Rhode Island, between the hours of 9:00 a.m. and 11:00 a.m. and between the hours of 1:00 p.m. and 3:00 p.m., Monday through Friday.

6. What are your rights relative to the hearing?

You have a right to examine all documents and records to be used at the hearing, at a reasonable time before date of the hearing, as well as during the hearing.

You may present your case in any way you wish without undue interference, by explaining the situation yourself or by having a friend, relative, or legal counsel speak for you, and you may bring witnesses and submit evidence as discussed above to support your case. You will have an opportunity to question or refute any testimony or evidence and to confront and cross-examine adverse witnesses.

7. How is a Hearing Conducted?

A hearing differs from a formal court procedure because you are not on trial and the appeals officer is not a judge in the courtroom sense. However, the appeals officer will swear in any person who testifies.

After you have presented your case, the staff member will explain the provisions in law or agency policy under which s/he acted. When both sides have been heard, there will be open discussion under the leadership and guidance of the appeals officer. The entire hearing is recorded on tape.

8. How will the Hearing Decision be Made?

The tape recording of the testimony of the persons who participated in the hearing, together with all papers and documents introduced at the hearing, will be the basis for the decision.

The appeals process is generally completed within 30 days of the receipt of your request, but will never exceed sixty (60) days for food stamps and ninety (90) days for all other programs unless you request a delay, in writing, to prepare your case.

The appeals officer will inform you of her/his findings, in writing, following the hearing. If you are still dissatisfied, you have a right to judicial review of your case. The agency staff member wants to be as helpful as possible in assisting you to prepare for the hearing. If you have any questions about what you may expect, or what may be expected of you, be assured that you may call your eligibility technician or worker.