



ALL ABOUT FAIR HEARINGS

WHAT IS A FAIR HEARING?

A fair hearing provides the opportunity for you to have your case reviewed by a higher authority whenever you disagree with action taken that reduces, suspends, denies, or ends your benefits. A fair hearing can be requested for any Division program.

WHO CAN REQUEST A FAIR HEARING?

Any individual or household that disagrees with any action taken by the Division which affects their program participation or benefit level.

HOW DO YOU REQUEST A FAIR HEARING?

A fair hearing request for SNAP and Medicaid may be made to any employee of the Division in person, by telephone, or in writing; requests for all other programs must be made in writing.

HOW MUCH TIME DO YOU HAVE TO MAKE A REQUEST FOR A FAIR HEARING?

Supplemental Nutrition Assistance Program (SNAP) fair hearing requests must be made within 90 days from the effective date of the action. Fair hearing requests for all other programs must be made within 30 days from the date of the notice.

WHAT HAPPENS AFTER THE DIVISION RECEIVES YOUR REQUEST FOR A FAIR HEARING?

After the request of a fair hearing is received, the Office of Administrative Hearing (OAH) will send you a written notice of the place and time of the fair hearing and the name and phone number to notify if you or your representative cannot attend the fair hearing. This notice will be sent to you at least **10** days before the fair hearing so that you have time to prepare.

WHAT IS A PRE-HEARING CONFERENCE?

The pre-hearing conference is a voluntary meeting between you or your representative and a representative of the Division to discuss your concerns about the action taken on your case. Sometimes this discussion will help you understand the reasons for the action or reveal any agency mistakes and may make the fair hearing unnecessary. The pre-hearing conference cannot replace or cancel the scheduled fair hearing. However, if your concerns are resolved at the conference, you may decide to withdraw the request for a fair hearing.

WHEN CAN THE DIVISION REFUSE TO HOLD A FAIR HEARING?

The Division can refuse to hold a fair hearing when:

1. The request is received after the time allowed for requesting a fair hearing has expired,
2. The request is withdrawn in writing by you or your representative,
3. The sole issue of the request is one of federal or state law which requires an automatic benefit reduction for classes of recipients, or
4. The issue you are presenting is not one over which the agency has jurisdiction.



WHAT ARE YOUR RIGHTS BEFORE AND DURING THE FAIR HEARING?

You have the right to all the following before and during the fair hearing:

1. Review your case file.
2. Obtain a copy of all documents and records that will be used at the fair hearing. This includes appropriate program manual sections relied on by Division employees to take the action with which you disagree. This applies only to case materials which are related to your timely request for a fair hearing.
3. Present the case yourself or be represented by an attorney, paralegal, friend, relative or any other person who may be helpful in presenting your case.
4. Bring witnesses and submit evidence to establish pertinent facts and circumstances.
5. Establish facts and arguments having to do with the issue without undue interference.
6. Question or refute any testimony or evidence, including the opportunity to confront and cross-examine witnesses.

HOW FORMAL IS THE FAIR HEARING?

The fair hearing is NOT a trial. It will be conducted in an informal manner and will be attended by Administrative Law Judge, a representative for the Division, and by you or a member of your household and/or your representative.

You do not have to be familiar with the rules of evidence. Every effort will be made to arrive at the facts in a way, which makes you feel comfortable. If you wish to have the Administrative Law Judge consider documents or written arguments, you should submit them in advance of the hearing date by mailing them to:

Office of Administrative Hearings
550 W. 7th Ave., STE 1940
Anchorage, AK 99501

WHAT DOES THE ADMINISTRATIVE LAW JUDGE DO?

The Administrative Law Judge (ALJ) is responsible for conducting the fair hearing and notifying you of the decision in writing. The written letter of the decision must include the decision, the reason for that decision, and the laws or regulations supporting the decision. In addition, the letter includes a statement about your rights and how to appeal the decision.

IS THERE ANY PLACE WHICH PROVIDES FREE REPRESENTATION AT THE FAIR HEARING?

At the hearing you may represent yourself or be represented by a legal representative. You may qualify for free legal advice and representation by contacting the Alaska Legal Services Corporation at (907) 272-9431 or 1-888-478-2572.

CAN YOU POSTPONE THE SCHEDULED FAIR HEARING?

You have the right to request and receive **one** postponement of the scheduled fair hearing, not to exceed **30** days.



Alaska Department of Health
Division of Public Assistance

HOW LONG MUST YOU WAIT FOR A DECISION ON YOUR FAIR HEARING?

The Office of Administrative Hearing (OAH) must hold the fair hearing, notify you of the decision, allow you up to **15** days to appeal the decision to the Department designee and notify you of the final decision:

1. Within **60** days from the date the Division receives a SNAP fair hearing request, or
2. Within **90** days from the date the Division receives a fair hearing request for any other public assistance programs.

If the hearing is decided in your favor, the Division has another 10 days to make any required change in your benefits.

The deadlines for the hearing decision will be extended for the same number of days as the fair hearing was postponed, or otherwise delayed at your request.