

# The State Hearing Process for the Department of Job and Family Services

You have the right to ask for a State Hearing if you disagree with any action taken by the Department of Job and Family Services.

## **My county JFS sent me a Notice of Action. What does this mean?**

The Department of Job and Family Services must send you a Notice of Action any time they take an action in your case. This includes denying a new application, changing the amount of your monthly benefits, or terminating your benefits. If you disagree with any action taken by JFS, you can ask for a State Hearing.

## **How long do I have to ask for a State Hearing?**

- New application denied: You have a total of 90 days from the date on your notice to ask for a State Hearing.
- Change to existing benefits: You have a total of 90 days from the date on your notice to ask for a State Hearing. You also have a 15-day appeal deadline. If you appeal within 15 days of the date on your notice, most benefits will continue without any changes, until a Hearing Officer issues a hearing decision. This is called the “aid pending” deadline.

## **What happens after I ask for a hearing?**

The Bureau of State Hearings will send you a notice telling you the date and time for your hearing. All hearings are scheduled for a video/telephone hearing. Your hearing notice will give you both the video link and the telephone number to call in. It is your choice if you want to participate in the hearing by video or call in and do the hearing over the telephone.

You can have a representative at your hearing. It could be a friend, relative or legal advocate. If you want a representative, you should work on finding one as soon as you ask for the hearing.

## What happens at the hearing?

A Hearing Officer from the Bureau of State Hearings (BSH) will conduct the hearing. The Hearing Officer does not work for the Department of Job and Family Services and was not involved in the decision that you have appealed. There will be a representative from your County JFS at the hearing. There may also be someone from your Medicaid Managed Care Plan (MCP) or others, depending on the type of benefit you are appealing.

First, the Hearing Officer will swear in both you and the JFS worker/other agency representatives. The Hearing Officer will then ask JFS to present their case. They must show that the action they want to take in your case is supported by the rules. For instance, they may need to show that your income is too high to be eligible for the program, or that you did not give JFS information that they needed to process your case.

The Hearing Officer will then allow you to present your case. You or your representative can tell the Hearing Officer why you think the action JFS wants to take in your case is wrong. You can give the Hearing Officer evidence like pay stubs or proof that you submitted verifications to JFS. You or your representative may ask questions of the JFS/agency worker.

Both you and JFS can present short closing statements if you choose. The Hearing Officer will then end the hearing.

## How will I know if I won the hearing?

The Hearing Officer will not issue a ruling on the case at the hearing. They will send a written hearing decision to both you and the County JFS. Most Hearing Officers issue their decision within 30 days of the hearing.

If the Hearing Officer “sustains” your appeal, you won the hearing. The Hearing Officer will tell JFS what they must do with your case. If the Hearing Officer “overrules” your appeal, you lost the hearing. The Hearing Officer ruled that JFS handled your case correctly.

## What happens if I win my hearing?

If the Hearing Officer sustains your appeal, they will issue what is called “compliance.” Compliance is the order telling JFS what they must do in your case. The compliance is at the end of the written hearing decision. The compliance may order JFS to withdraw the proposed termination and re-evaluate your eligibility. Or JFS may be ordered to send out a checklist asking you to give them more information. JFS may not take any further action in your case until they complete the compliance. Generally, JFS must complete the compliance order within 15 days of the hearing decision.

After JFS completes compliance, they will take new action in your case. They may approve you for benefits if they find you eligible. They may also deny or lower your benefits, if they determine that is what the rules say they must do. JFS must send you a new notice telling you what they propose to do with your benefits. The notice gives you new hearing rights. If you disagree with the proposed action, you can ask for another hearing.

## Special rules for Medicaid Managed Care actions

If you have Medicaid, you may get notices from your Managed Care Plan (MCP) about your services. If you get a notice from your MCP denying a service you requested or changing the services they have agreed to provide you, you must file appeals with the MCP before you can get to the Bureau of State Hearings. The notice the MCP sends to you about your benefits will include information on how to appeal the decision. The first two appeals are with the Managed Care Plan. They will review any new information you give them in your appeal. If they deny your appeals, you will then get notice that you can appeal to the Bureau of State Hearings. If you do that, then BSH will schedule a hearing, as described in this piece.

**If you have questions or need legal assistance,  
please call the Legal Aid line at (513) 241-9400.**