



COMMODITY SUPPLEMENTAL FOOD PROGRAM
POLICY AND PROCEDURE MANUAL

SUBJECT: Fair Hearings for Individuals	Chapter: 12
	Section: 12.1
REFERENCES: 7 CFR parts 247.12 and 247.33	Page: 1 of 2
	Revised: 12-2005

PURPOSE: To provide a hearing process that allows a CSFP applicant or participant to appeal an adverse action.

POLICY: Individuals have a right to a fair hearing and may appeal any decision made by the local agency regarding denial or discontinuance of program benefits, disqualification from the program, or a claim to repay the value of commodities received as a result of fraud.

PROCEDURES:

- A. Each program applicant or participant shall be informed of their right to a fair hearing in accordance with Section 2.1 paragraph E and Section 2.7. Attachment 12.1 - Appeal Procedure, modified to show the local agency contact information, shall be posted at all certification and distribution sites and copies shall be available upon request.
- B. If a hearing is requested within the 15 day advance notice period by participants found ineligible at any time during a certification period, benefits will be continued or reinstated until a decision is reached or the certification period expires, whichever occurs first. Applicants, who are denied benefits at initial certification or at the expiration of a certification period, shall not receive benefits while waiting for the hearing.
- C. All requests for fair hearings will be carried out by officials of the local agency. Local agencies are required to appoint a fair and impartial hearing officer for the purpose of conducting fair hearings. The local agency must schedule and conduct the hearing within 30 days from the date of the request for the hearing. Those requesting the hearing will be notified in writing no less than 10 days in advance of the time and place of the hearing.
- D. A request for a hearing will not be dismissed or denied unless:
 - 1. The request is not received within 60 days from the notice of adverse action; or
 - 2. The request is withdrawn in writing by the appellant; or
 - 3. The appellant or appellant's representative fails, without good cause, to appear at the scheduled hearing; or
 - 4. The appellant has been denied participation by a previous hearing and cannot provide evidence that circumstances relevant to program eligibility have changed in such a way as to justify a hearing.



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- E. Hearings shall be conducted by an impartial official and in accordance with Attachment 12.1 Appeals Procedures.
- F. If the hearing decision is in favor of the appellant, and benefits were denied or discontinued, benefits shall begin immediately.
- G. If the decision concerns disqualification and is in favor of the agency, as soon as administratively feasible, the local agency shall terminate any continued benefits, as determined by the hearing officer.
- H. All records of the hearing shall be kept in accordance with 7 CFR 247.33(m) and shall be available for public inspection and copying, in accordance with the confidentiality requirements under 7 CFR 247.36 (b).