



Appealable Actions [247.33 (a)]

- Denial or discontinuance of program benefits.
- Disqualification from the program.
- A claim to repay the value of commodities received as a result of fraud.

Appeal Procedures [247.33 (b) thru (i)]

- An individual, or an individual's parent or caretaker, may request a fair hearing by making a clear expression, verbal or written, to a State or local agency official, that an appeal of the adverse action is desired.
- The request for appeal must be made within 60 days from the date the agency mails or gives the individual the notification of adverse action.
- The state or local agency may deny a request for a fair hearing when: (1) The request is not received within 60 days; (2) the request is withdrawn in writing by the individual requesting the hearing or by an authorized representative of the individual or (3) the individual fails to appear, without good cause, for the scheduled hearing.
- Participants who appeal the discontinuance of program benefits with the 15-day advance notification period required under 247.17 and 247.20 must be permitted to continue to receive benefits until a decision on the appeal is made by the hearing official, or until the end of the participant's certification period, whichever occurs first. However, if the hearing decision finds that a participant received program benefits fraudulently, the local agency must include the value of benefits received during the time that the hearing was pending, as well as for any previous period, in its initiation and pursuit of a claim against the participant.
- The State or local agency must provide an individual with at least 10 days' advance written notice of the time and place of the hearing, and must include the rules of procedure for the hearing.
- The individual may (1) examine documents supporting the State or local agency's decision before and during the hearing; (2) be assisted or represented by an attorney or other persons; (3) bring witnesses; (4) present arguments; (5) question or refute testimony or evidence, including an opportunity to confront and cross-examine others at the hearing; and (6) submit evidence to help establish facts and circumstances.

Appeal Decisions [247.33 (j) thru (l)]

- The hearing officer must be an impartial official who does not have any personal stake or involvement in the decision and was not directly involved in the initial adverse action that resulted in the hearing.
- A hearing decision must be made, and the individual notified of the decision, in writing, within 45 days of the request for the hearing.
- If the decision is in favor of an applicant who was denied CSFP benefits, the receipt of benefits must begin within 45 days from the date that the hearing was requested, if the applicant is still eligible for the program.
- If the hearing decision is against the participant, the State or local agency must discontinue benefits as soon as possible, or at a date determined by the hearing official.
- A hearing report shall be available for public inspection and copying but shall assure confidentiality.

If you have any questions, please contact: