

### 03 Appeals - Overview

**REVISION 48**  
(01/01/20 - 12/31/20)

An Appeal Hearing is a process through which certain individuals may request a review of FAA's disposition timeliness or the results of the eligibility determination.

When a participant disagrees with a decision or action taken by FAA, they have a right to ask for a legal review of their case. This review is called an Appeal. They may ask for an Appeal on any decisions, actions or inaction, which may or may not affect the participation of the budgetary unit in any program.

FAA may request an appeal on a ruling of an Administrative Law Judge (ALJ) when the agency disagrees with the decision. Appeals can be requested by FAA for all NA rulings (including IPVs). (See [Appeals Filed by FAA](#))

An applicant or participant who wishes to appeal an action or inaction must make an oral or written request for a hearing to the Department.

For NA, the request must be made within 90 days of the notice date advising the applicant or recipient of the action being appealed. A recipient may appeal the current level of benefits at any time within a certification period. Action by the Department shall include a denial of a request for restoration of any benefits lost more than 90 days but less than one year prior to the request for a hearing.

For CA, the request must be made within 30 days of the notice date advising the applicant or recipient of the action being appealed.

FAA has the initial burden of presenting the evidence to support the adverse action.

An Appeal may be requested by any of the following:

- The PI
- An authorized representative
- An Attorney representing a hospital that is acting as an authorized representative for a hospitalized participant
- Any responsible adult in the budgetary unit
- FAA

NOTE Whenever possible FAA must attempt to resolve the participant's questions or concerns about an eligibility decision prior to the participant submitting an appeal request.

An ALJ conducts the impartial third party review of the eligibility determination.

FAA staff must not limit or interfere with the participant's right to request a hearing. When requested, FAA staff are required to help the participant to complete the request.

NOTE When the reason for the request is unclear, ask the PI to clarify the reason for the request.

#### CA EXCEPTION

When the request is regarding a Pascua Yaqui or Hopi Tribal TANF determination, do not refer the appeal hearing request to the Appeals Processing Unit (APU), follow the procedures outlined below:

- [Appeal Hearings - Pascua Yaqui Tribal TANF](#)
- [Appeal Hearings - Hopi Tribal TANF](#)

When a hearing is requested, the individual requesting the hearing, becomes known as an [appellant\(g\)](#), and is referred to as such throughout this section.

Policy and procedures regarding appeal hearings are outlined as follows:

- [Hearing Request Requirements](#)
- [Hearing Request Time Limits](#)
- [FAA Hearing Request Procedures](#)
- [Appeals Specialist Responsibilities](#)
- [Appeals Request Withdrawals](#)
- [OARC Hearing Request Procedures](#)
- [Appellate Services Administration \(ASA\) Responsibilities](#)
- [Appeals Board Responsibilities](#)
- [Judicial Review](#)

(See [Inform the Participant](#) for information FAA is required to provide participants regarding hearing rights. All [adverse action](#) notices also contain hearing rights and procedures.)