

B Fair Hearings - Request Time Limits

REVISION 07
(01/01/09 – 03/31/09)

The appellant has 30 calendar days from the date the eligibility determination notice is mailed to request a hearing. The notice may have been sent by the local office or the Office of Accounts Receivable and Collections (OARC). When the hearing request involves an overpayment, see [OARC Hearing Request Procedures](#).

NOTE When the 30th day falls on a weekend or holiday, a hearing request is considered received timely on the first [workday\(g\)](#) following the 30th day.

The date of filing for the hearing request is the earliest of the following:

- Postmark or postage meter mark on the envelope when the request is received through the mail.
- Date written on the request when the postmark is illegible.
- Date received by FAA when either of the following apply:
The request is delivered other than by mail.
The postmark is illegible and there is no date on the request.

DO NOT refuse requests received after the 30 day deadline for filing a request. Forward the request to the Office of Appeals for a good cause determination regarding timeliness of the request. (See [Office of Appeals Address](#))

NA EXCEPTION

The appellant has 90 calendar days from the date stated in the following situations to request a hearing:

- Decision notice mail date when the appellant disputes the eligibility determination or level of benefits.
- Denial notice mail date when the determination was for restoration of benefits lost more than 90 days but less than one year before the request date.
- Any time during the current approval period when the benefit level is being disputed.

NOTE When the 90th day falls on a weekend or holiday, consider hearing requests received the first workday following the 90th day, as timely.