

### 03 **Fair Hearings – Overview**

A fair hearing is a process through which the following may request review of FAA's timeliness, or results of the eligibility determination, by an impartial third party:

- The PI
- A representative
- Attorneys representing a hospital acting as a representative for a hospitalized participant

The Department of Economic Security (DES) employs state level Hearing Officers to conduct impartial third party reviews of eligibility determination.

A hearing may be requested at any time when the PI does not agree with the eligibility determination, or lack of a determination exists. A hearing may be requested for any eligibility decision that includes, but is not limited to, the following:

- An application is denied or is not acted on in a timely manner.
- A request for supplemental, restored, or replacement benefits is denied or is not acted on in a timely manner.
- Benefits have been reduced or stopped.
- An overpayment determination or amount of an overpayment is disputed.

#### **CA EXCEPTION**

In addition to the previously listed items, CA participants may also request a hearing for either of the following reasons:

- A protective payment determination must be made or continued.
- The disability determination for CA is being disputed. (See [Arranging Medical Exams](#) for procedures)

#### **MA EXCEPTION**

[AHCCCS\(g\)](#) is responsible for hearing requests related to payment of medical bills. FAA is responsible for hearing requests related to the eligibility determination.

When an appeal is filed at any local office, but the eligibility determination was completed at a MA Only local office, the following apply:

- Do not route the request back to the hospital.
- Process the appeal at the local office that serves the residential address of the participant.

#### **EXCEPTION**

When the participant is a resident of Maricopa county or Apache Junction, and the eligibility determination was completed at an [FAA MA Only local office](#), the following apply:

- The local office does NOT process the appeal.
- The district fair hearing specialist of the district that serves the residential ZIP Code of the participant processes the appeal.

The [district fair hearing specialist\(g\)](#) uses the procedures in [Local Office Hearing Request](#) to process the appeal.

NOTE When an appealed case needs correction, the local office, through an action item and with direction from the district fair hearing specialist, corrects the case.

FAA is responsible for clarifying the reason for a hearing request. When the reason for the request is unclear, ask the appellant to clarify the reason for the request. Help the appellant complete the request, when needed.

NOTE FAA staff must NOT limit or interfere with the appellant's right to request a hearing when the reason cannot be clarified.

Policy and procedures regarding fair hearings are outlined as follows:

- [Hearing Request Requirements](#)
- [Hearing Request Time Limits](#)
- [Local Office Hearing Request Procedures](#)
- [District Fair Hearing Specialist Responsibilities](#)
- [Fair Hearing Request Withdrawals](#)
- [Hospital Fair Hearing Procedures](#)
- [OARC Hearing Request Procedures](#)
- [Office of Appeals 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. )