

DSS ADMINISTRATIVE LETTER NO. ECONOMIC AND FAMILY SERVICES 1-2014
State Appeals Processing
January 21, 2014

To: County Directors of Social Services
Attention: Income Maintenance Program Managers and Supervisors
Date: January 21, 2014
Subject: State Appeals Processing
Effective: Upon Receipt

I. GENERAL INFORMATION

The purpose of this letter is to outline the procedures for handling State Appeals in a timely manner as required by Federal and State regulations to include:

- A. Timely submission of the State Appeal Request form;
- B. Completion of State Appeal Request form with appropriate documents;
- C. Notification of changes regarding a submitted appeal;
- D. Worker preparation and hearing attendance; and
- E. Decision rendered in accordance with Federal and State regulations.

For Food and Nutrition Services, USDA will conduct an audit in June 2014 to verify that all issues listed above have been resolved.

The Hearing and Appeals Chief will send information to County Directors for their respective counties providing additional information related to untimely appeal request. This information will include the client requesting the appeal, the worker who submitted the appeal and the supervisor of the worker. This information will also include the dates of the request and if the request was submitted timely.

II. SPECIAL INSTRUCTIONS

A. Timely Submission of the State Appeal Request Form

PURPOSE: The Hearing & Appeals Chief must determine the hearing schedule at least three to four weeks in advance of the hearing. Hearing Officers will provide notification of all parties involved of the date, time and location of the hearing as well as review submitted documentation and prepare for the hearing.

INSTRUCTIONS: Counties must submit State Appeal Request forms to the State Hearings & Appeals Section **within five calendar days** of receipt of the hearing request. Once the request is received, the Hearings & Appeals Section has 60 calendar days for FNS appeals and 90 days for all other program appeals from the original request date to conduct the hearing and render a decision.

In order for required time frames to be met, it is imperative that counties submit all hearing requests **within five calendar days** of receipt of the request.

Timely notification of hearing requests for Food and Nutrition Services, Work First and Energy Programs will be reviewed during county monitoring.

B. Completion of State Appeal Form with Appropriate Documents

PURPOSE: When fields on the DSS 1473, State Appeal Request form are completed improperly or left blank, it creates problems for the Hearing & Appeals Section.

INSTRUCTIONS: All hearing request must be submitted using the most current version of the DSS-1473, State Appeal Request form. The form was revised in October 2013 and can be found in NC FAST and <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1473-ia.pdf>. This form specifically lists all information that the county must send with each State Appeal Request form.

The form must be reviewed prior to submission to ensure all sections of the form are correctly completed and that all required documents are attached.

C. Notification of Changes Regarding a Submitted Appeal

PURPOSE: When the county becomes aware of a change in situation that has an impact on the hearing request, the Hearing & Appeals Section must be immediately notified of the new/changed information. Changes include, but are not limited to, change of address, change of phone number, addition of an attorney/representative, withdrawal of the appeal, and/or SSA approval.

INSTRUCTIONS: In cases that the county has not been notified of a scheduled hearing date, the new/changed information should be submitted to the Hearings & Appeals service e-mail address at dss.hearings.appeals@dhhs.nc.gov.

In cases that the county has been notified of a scheduled hearing date, the county worker should contact the Hearing Officer assigned to the case to provide the new/changed information. A list of Hearing Officer's contact information is attached to this letter.

All correspondence between counties and the Hearings & Appeals Section that includes the clients' personal information should be sent by ZixMail. The ZixMail portal can be found at <http://www.ncdhhs.gov/DMA/hipaa/index.htm>. The ZixMail portal will require the worker to set up an account and password. ZixMail does **not** encrypt the subject line. Therefore, do not include personal information such as the clients name and/or SSAN in the subject line. Personal information can be included in the body of the email as it is encrypted by ZixMail.

D. Worker Preparation and Hearing Attendance

PURPOSE: Hearing Officers are having problems with county workers not appearing at the hearing location at the designated time and reporting clients did not show for the hearing. A thorough check will help eliminate the need to reschedule the hearing,

thereby eliminating duplication of time and expense for the State Hearing Officer as well as the client.

INSTRUCTIONS: Immediately, prior to the scheduled hearing time, the worker must check the receptionist area/waiting room/lobby of the agency to escort the client to the hearing room. If the client does not appear for the scheduled hearing, the worker representing the county must appear before the Hearing Officer for a brief on the record account that the lobby has been thoroughly checked and the client has not appeared at the county for the hearing

E. Decision Rendered in Accordance with Federal and State Regulations

Upon completion of the hearing, a decision will be rendered by the Hearings & Appeals Section. Instructions for appealing the decision, if desired, will be provided in the decision notice.

If you have any questions regarding FNS, WFFA or Energy Programs, contact your Food and Nutrition Services Regional Support Team or Work First Support directly via email. For all other Income Maintenance Programs, contact the appropriate sections with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne E. Black". The signature is written in a cursive style with a large, stylized initial "W".

Wayne E. Black

Hearing Officer	Office Phone #	Fax #	E-mail Address
Jennifer Bonestell	919-280-5503	919-800-3024	jennifer.bonestell@dhhs.nc.gov
Genia Bryan	919-217-8948	919-800-3074	genia.bryan@dhhs.nc.gov
Matt Berndt	919-266-2994	919-882-9821	matthew.berndt@dhhs.nc.gov
Linda Eckert	919-217-7692	919-800-3085	Linda.Eckert@dhhs.nc.gov
Ed Feltman	252-206-5766	252-360-4491	edward.feltman@dhhs.nc.gov
Rob Fithian	919-302-9639	919-882-9573	robert.fithian@dhhs.nc.gov
Deana Garrou	919-581-1028	919-882-8837	deana.garrou@dhhs.nc.gov
Scott Gingery	919-855-3263	919-715-1910	scott.gingery@dhhs.nc.gov
Natasha Hutchens	919-359-3306	919-882-8304	natasha.hutchens@dhhs.nc.gov
Stephanie McNeill	919-212-5787	919-800-3186	stephanie.mcneill@dhhs.nc.gov
Christy Nicholson	919-639-0701	919-800-3330	christy.nicholson@dhhs.nc.gov
Ann Roberts	919-207-1450	919-882-1412	Ann.Roberts@dhhs.nc.gov
Jennifer Smith	919-662-4614	919-800-3688	Jennifer.S.Smith@dhhs.nc.gov
Tony Stiller	919-212-5794	919-800-3825	anthony.stiller@dhhs.nc.gov
Tara Thompson	919-405-2055	919-287-2505	tara.thompson@dhhs.nc.gov
Gwen Vinson	919-212-5786	919-800-3863	gwendolyn.vinson@dhhs.nc.gov
Mac Harward	919-855-3269	919-715-1910	Mac.Harward@dhhs.nc.gov
Richard Stewart	919-418-7750	919-715-1910	richard.stewart@dhhs.nc.gov
Juanita Boston	919-855-3267	919-715-1910	juanita.boston@dhhs.nc.gov
Nancy Bradley	919-855-3275	919-715-1910	nancy.bradley@dhhs.nc.gov
Leigh Gainor	919-855-3272	919-715-1910	leigh.gainor@dhhs.nc.gov
Nancy Pappenhagen, Assistant Chief	919-855-3277	919-715-1910	nancy.pappenhagen@dhhs.nc.gov
Lori Anne Caskey, Appeals Chief	919-855-3261	919-715-1910	lorianne.caskey@dhhs.nc.gov
GENERAL #	919-855-3260	919-715-1910	dss.hearings.appeals@dhhs.nc.gov