

239.8 Notice and right to be heard.

1. An applicant for, or recipient of, public assistance shall be provided written notice and the opportunity to explain any issues identified in a review performed under [this chapter](#) for initial eligibility or redetermination of eligibility. Unless otherwise prohibited by federal law or regulation, a self-declaration by an applicant or recipient shall not be accepted as verification of categorical and financial eligibility during such review.

2. The notice provided to the applicant or recipient shall describe in sufficient detail the circumstances of the issue identified, the manner in which the applicant or recipient may respond, and the consequences of failing to respond to the notice or resolve the issue identified. The applicant or recipient shall be provided ten days to respond to the notice. The department may request additional information as necessary to reach a decision.

3. An applicant or recipient may respond to the notice as follows:

a. By disagreeing with the findings of the department. If the applicant or recipient responds in a timely manner and disagrees with the findings of the department, the department shall reevaluate the circumstances to determine if the applicant's or recipient's position is valid. If, through reevaluation, the department finds that the department is in error, the department shall take immediate action to correct the error. If, through reevaluation, the department affirms that the applicant's or recipient's position is invalid, the department shall determine the effect on the applicant's or recipient's eligibility and take appropriate action. Written notice of the department's determination and the actions taken shall be provided to the applicant or recipient.

b. By agreeing with the findings of the department. If the applicant or recipient responds in a timely manner and agrees with the findings of the department, the department shall determine the effect on the applicant's or recipient's eligibility and take appropriate action. Written notice of the department's determination and actions taken shall be provided to the applicant or recipient.

4. If the applicant or recipient fails to respond to the notice in a timely manner, the department shall provide notice to terminate the applicant's application or to discontinue the recipient's enrollment for failure to cooperate, and shall terminate the applicant's application or discontinue the recipient's enrollment. The applicant's or recipient's eligibility for such public assistance shall not be established or reestablished until the issue has been resolved.

[2023 Acts, ch 104, §8](#)

Referred to in [§239.7](#)