

427—5.4(216A) Appeal and hearing procedure. The following appeal and hearing procedure shall be used:

5.4(1) When an applicant is denied assistance or wishes to file a complaint about the quality or extent of work performed, the applicant has 90 days from the date of the denial letter or completion of the work to appeal that decision by mailing or delivering the request for appeal to the local administering agency (LAA).

5.4(2) If the LAA neither approves nor denies a complete application within 90 calendar days of receipt, the applicant may treat the failure to act as a denial. The applicant then has 30 additional calendar days to appeal.

5.4(3) To appeal, the applicant (claimant) must contact the agency at which the application was made and tell the agency of the wish to appeal, what action the applicant would like taken, and any other information which might affect the decision. All appeals must be in writing. Those claimants unable to read or write shall have the LAA assist them in reading, writing or understanding appeals, hearings and their associated procedures.

5.4(4) The LAA will act on the claimant's request and notify the claimant of the result in writing within seven calendar days of the date an appeal was requested (postmark date if sent in mail).

5.4(5) If the claimant does not agree with the decision reached, the claimant may write the LAA again within 17 calendar days of the decision (postmark date if sent in mail) and request that a state hearing be held. The claimant must explain in writing why the agency's decision is being appealed and include any information which might affect the decision.

5.4(6) Within seven calendar days (postmark date if sent by mail) the LAA will forward all information concerning the request for hearing to the state, and a hearing will be scheduled. The claimant will receive written notice of a state-scheduled hearing from the director of the department of human rights, division of community action agencies. The notice will include the date, time and place of the hearing. State hearings may be held by telephone at a mutually convenient time. Prior to the hearing the agency will provide an opportunity for the claimant to review the case file and any written evidence that will be used in the hearing. An informal conference with the director or appropriate state staff personnel may be requested for the purpose of discussing actions taken and resolving the issues raised in the request for hearing.