Attachment I

Fair Administrative Hearing Procedures

All FAP applicants/clients who have been denied or question the Fuel Assistance Program (FAP) benefits provided are entitled to appeal the decision, which may include a Fair Administrative Hearing. All FAP applicants/clients will be provided with information regarding the appeal process and the FAP Fair Administrative Hearing procedures. The CAA must provide written notification of either the denial of benefits or the benefit determination to all FAP applicants/clients.

The written notification to FAP applicants who are denied benefits must include notification of:
- a brief statement of the reason(s) for denial of benefits;
- a brief explanation of the appeal process;
- the right to a Fair Administrative Hearing;
- a brief explanation of the FAP Fair Administrative Hearing process.

An applicant/client is entitled to appeal the FAP benefit determination for any of the following reasons:
- application is denied;
- application is neither denied nor approved within thirty (30) days of the application completion date;
- benefit amount is less than what the applicant/client believes it should be;
- benefit amount or the duration of the benefit is less than what written CAA notification originally identified.

A FAP applicant/client may appeal the determination of benefits by contacting the CAA FAP Director and requesting a review of the application. The CAA FAP Director must meet with the applicant/client either over the phone or in-person within ten (10) days of the applicant/client's request for an appeal.

During the exchange between the applicant/client and the CAA FAP Director, the applicant/client will have an opportunity to express his or her concerns, and the CAA FAP Director will have an opportunity to review and attempt to resolve the dispute. The CAA is responsible for documenting the results of the meeting. The documentation must contain information relative to the eligibility requirements or benefit determination.

If the client/applicant is not satisfied with the results of the meeting with the CAA FAP Director, he/she must be referred to the OSI FAP Manager for an additional review of the application.

If the applicant/client is not satisfied with the determination of FAP benefits after discussing the issue with the CAA FAP Director and the OSI FAP Manager, he/she may request a Fair Administrative Hearing.

An applicant/client must request a Fair administrative Hearing with OSI within thirty (30) working days of the exchange with the OSI FAP Manager.
The OSI Fair Administrative Hearings will meet these standards:

A. Fair Administrative Hearing Procedures:

1. All hearings shall be held in a location reasonably convenient to the client/applicant.
2. The hearing officer shall be an OSI employee who was not involved in rendering the challenged action or decision.
3. The OSI hearing officer shall review the applicant/client CAA file prior to the hearing. The CAA file shall include at least the following:
   a) client application;
   b) supporting household and income documentation;
   c) copy of written notification to the client/applicant of denial or other contested decision;
   d) notes and/or documentation containing information relied upon by CAA in making the decision to deny benefits or take the contested action.
4. The hearing will be recorded by OSI and the decision based on the record and any evidence and information introduced from the applicant’s FAP file.

C. The applicant/client is entitled to:

1. Review his/her CAA documents prior to the hearing. OSI will insure that the client/applicant is provided with this option in a timely manner.
2. A copy of the FAP Procedures Manual. OSI will provide the copy of the manual if it is requested by the applicant/client.
3. Bring a representative to accompany him or her to the hearing. However, OSI is not required to provide or pay for such representative.
4. Present oral testimony, written statement, and other relevant evidence.
5. Present witnesses.
6. Cross-examine witnesses.
7. Request an interpreter be provided by OSI.

D. OSI will adhere to the following parameters:

1. The applicant/client has thirty (30) days to request a hearing.
2. OSI will conduct a hearing within twenty (20) working days of the request.
3. OSI will make a written decision within ten (10) working days of the hearing. The written decision will contain a statement of reasons in support of the decision and will refer to the evidence relied upon.
4. Strict rules of evidence will not apply to the conduct of the hearing.
5. All written correspondence from OSI to the applicant/client shall be sent certified via the US Postal Service.

If the applicant/client has requested a Fair Administrative Hearing, the CAA will hold funds equal to the benefit in question in reserve pending the outcome of the Fair Administrative Hearing.