

### Introduction

The Tennessee Department of Human Services (TDHS) shall provide a fair hearing to any person or household aggrieved by any administrative action which affects their eligibility, level of benefit, or participation in the SNAP program in reference to a formal complaint.

### Scope

This policy was developed to outline the guidelines for when an individual or a household submits a formal complaint or requests a fair hearing due to actions taken by TDHS.

### Policy

#### Appeals and Fair Hearings

1. TDHS must provide a fair hearing to any individual who disagrees with any administrative decision, action, or proposed action affecting an individual's participation.
2. All applicants of or recipient of services shall be informed, in writing, at the time of application and prior to any adverse action:
  - a. the right to a fair hearing;
  - b. the method for requesting a hearing and that the case may be presented by the individual; and
  - c. legal counsel or an authorized representative.
3. A request for a hearing is any clear expression, oral or in writing, by an applicant/recipient or authorized representative that they disagree with the actions, decisions or requirements imposed.

#### Resolution prior to Fair Hearing

1. When an individual is dissatisfied with any administrative action/decision relating to SNAP benefits, efforts must be directed to resolve the

issue promptly, if possible. (See also, [SNAP Procedures for a Customer's Complaint](#))

2. An individual's right to request a fair hearing should not be interfered with and the individual should be reminded verbally of their right to request a fair hearing.
3. Any person who asks to appeal on behalf of someone will be asked to obtain the applicant's/recipient's written statement that they wish to designate them as their representative, unless that person is an attorney licensed to practice law in Tennessee, who has been asked by the applicant/recipient to represent them. Individuals may also question TDHS's interpretations of the law and the validity and applicability of the policies implemented under the law.
4. Group hearings may be conducted where the sole issue is one of State or Federal law, regulations, or policy.

#### Time Limits for Appeals

1. An individual shall be allowed to request a fair hearing on any action by TDHS staff, including loss of benefits, within ninety (90) days of the date of such action as established by the notice to the household of such action.
2. The Division of Appeals and Hearings will make the decision upon receipt of the Appeal for Fair Hearing as to whether the request will be accepted or denied. Appeals will be accepted only if they are filed within these time limits unless good cause can be shown as to why the appeal could not be filed within the prescribed limits. The Commissioner or their designee will approve any extension of time under this section after the appellant shows a reason for good cause exists for not filing within the prescribed time limits. The

time limits shall be computed by excluding the first (1<sup>st</sup>) day and including the last day, unless the last day is a weekend or legal holiday, then the next working day may be considered as filing within the time limit.

### **Good Cause for Filing a Late Appeal**

1. Appeals may be considered after the ninety (90) calendar day time limit if the appellant can show good cause as to why the appeal could not be filed within ninety (90) calendar days. In addition, benefits can be continued if the appellant can show good cause for failing to file the appeal within ten (10) calendar days.
2. All decisions regarding good cause are made by the Commissioner's Designee/Conciliation Attorney Unit.

### **Continuation of Benefits**

1. When a SNAP household requests a hearing within ten (10) calendar days from the date of the advance written notice of intended action to reduce or terminate assistance prior to certification ending, SNAP benefits may be continued pending the hearing decision, unless the recipient waives continuation of benefits.
2. Good cause for delay will be considered on a case-by-case basis when a request for continued benefits mailed by the individual is received by TDHS following the tenth (10<sup>th</sup>) day after the notice of adverse action is mailed. Continued or reinstated benefits should not be reduced or terminated before the final hearing decision unless:
  - a. There is an additional cause for adverse action, and the individual does not request a subsequent hearing;
  - b. The certification period expires;
  - c. The hearing officer makes a preliminary written decision at the hearing that the sole issue is a question of policy interpretation, and the individual claims that the Department has applied the policy improperly;
  - d. A mass change affecting the AG's eligibility or basis for issuance occurs while the hearing decision is pending; or

- e. Review indicates the individual is eligible for a new certification period and a new benefit amount.

### **Division of Appeals and Hearing Functions**

1. All SNAP appeals received by the county office must be faxed on the same business day to the Division of Appeals and Hearings. The county office may continue to take action to resolve the issues in the appeal informally. If the appeal is resolved informally by the county office, a signed HS-2908 Withdrawal of Appeal for Fair Hearing form must be faxed to the Division of Appeals and Hearings. At that time, the appeal process will cease.

Fax all Family Assistance Appeals to:

Tennessee Department of Human Services Division of  
 Appeals and Hearings  
 P.O. Box 198996  
 Nashville, TN 37219-8996  
 Fax: 615-313-5013 or 1-866-355-6136 (Long Distance)

2. The FASC will accept appeal forms or file a verbal appeal on behalf of the SNAP participant. The FASC will document the request for an appeal in the Family Assistance eligibility and case management system and enter the request for an appeal into the Appeals Resolution Tracking System (ARTS) the same day as the appeal request is received.

### **Supporting Documents**

[SNAP Procedures for a Customer's Complaint](#)

[SNAP Process for an Appeal and Fair Hearing](#)

### **Retention of Records**

Pending

**Definitions/Acronyms**

Term	Definition
<b>Appeal</b>	A procedure for bringing grievances that cannot be resolved in the local office to the State Office for a hearing.
<b>Appellant</b>	An individual who is dissatisfied with an administrative action of the Department in regard to the furnishing or denial of assistance and who, as a result, is requesting a fair hearing before the State Office.
<b>Fair Hearing</b>	A proceeding before an impartial official designated by the Commissioner of the Department of Human Services in which an appellant or his representative may present his case. The case may be presented with or without witnesses, to show why action or inaction by TDHS should be corrected.

**Supersedes**

SNAP Policy Manual 2017 Chapter 43

**Approval History**

Approved By	Approver Title	Approved Date	Effective Date
Clarence H. Carter	Commissioner	06/30/2021	07/15/2021

**Revision History**

Date	Version	Location of Change	Description/Reason for Change
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