



TANF 1506-2 Administrative Review

Supersedes: TANF 1506-2 (1/1/07)

Reference: ARM 37.5.101, .103, .301, .304, .305, .307, .313, .316, .318, .322, .325, .328, .331, .334, .337, .503, .505; ARM 37.78.505; 42 CFR 431.200 through .246; 45 CFR 205.10

Overview: An Administrative Review will:

1. Identify the issues related to the adverse action; and
2. If possible, resolve questions and issues relating to the adverse action to the client's satisfaction.

Obtaining a fair hearing withdrawal request is not to be used as a substitute for conducting an Administrative Review.

REVIEW TIME FRAME:

An Administrative Review must be held, completed, and a report submitted to the Hearings Officer within 20 calendar days from the date the Hearings Officer mails the Review Request to the Department, unless an expedited review is requested.

EXPEDITED ADMINISTRATIVE REVIEW:

Expedited hearings may be granted to households who request hearings:

1. But plan to leave Montana before decisions can be made under regular time frames; or
2. Who contest an Emergency Assistance denial.

The expedited administrative review must be held within five (5) calendar days from the hearing request date.

The Office of Fair Hearings must be informed of any delay in completing the administrative review.

RESCHEDULING ADMINISTRATIVE REVIEW:

The client is given one reasonable opportunity to reschedule the Administrative Review. An additional opportunity is given for good cause.

An Administrative Review will not be rescheduled if the client fails to appear without good cause.

REVERSAL/MODIFIED ACTION:

At any time during an Administrative Review, an adverse action may be reversed or modified if circumstances warrant such action. A hearing will only be held if the client protests the modified/reversed action and requests the hearing.

The client is required to withdrawal the appeal if satisfied with the modified/reversed determination.

EFFECT ON HEARING RIGHTS:

An Administrative Review does not diminish, delay or void the client's right to a fair hearing. When the Administrative Review does not resolve questions and issues relating to the adverse action to the client's satisfaction, the Hearings Officer must proceed with the hearing.

CLIENT WAIVES ADMINISTRATIVE REVIEW:

Clients have the right to waive an Administrative Review. A verbal waiver is sufficient.

Effective Date: January 01, 2018