

Department of Public Health  
and Human Services

Section:  
CASE MANAGEMENT

SUPPLEMENTAL NUTRITION ASSISTANCE  
PROGRAM (SNAP)

Subject:  
Board of Public Assistance Appeal  
and Judicial Review

**Supersedes:** FS 1506-4 (04/01/04)

**References:** 7 CFR 273.15  
ARM 37.5.331 through 37.5.334

GENERAL RULE - Any party to a fair hearing who does not agree with the hearing decision may appeal the decision. The appeal must be presented to the Board of Public Assistance Appeals, hereafter referred to as the Board.

**NOTE:** If the party does not agree with the Board's final decision, they may seek judicial review of the decision.

**APPEAL  
REQUEST**

A request to appeal the hearing decision must be received within 15 days of mailing the decision. If a request is not filed within the 15-day period, the decision becomes final unless the party can show that failure to timely appeal was for good cause.

1. The claimant and/or authorized representative is given an opportunity to:
  - a. File exceptions;
  - b. Submit briefs; and,
  - c. Present oral argument.
2. The Department is represented by the Office of Legal Affairs. The Attorney:
  - a. May file exceptions;
  - b. Submit briefs; and,
  - c. Present oral argument.

**CONTINUING  
BENEFITS**

Continue benefits, if appropriate, until the end of the month in which an adverse determination by the Hearing Officer is proposed. If the claimant files a request for Board appeal within 15 days, continue benefits:

1. Until the Board completes its review; and,

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2. Through the end of the month in which the final decision is reached by the Board.

**►BOARD OF  
APPEALS REVIEW**

The Board will render a decision after considering:

1. The Fair Hearing Officer's Proposed Decision;
2. Exceptions filed;
3. Briefs received;
4. Oral arguments; and,
5. The hearing record.

From the date of the appeal request, the Board's decision must be made within:

1. Forty-five days for SNAP; and,
2. Ninety days for all other programs.

**NOTICE OF  
BOARD DECISION**

The Board will notify the following of its decision:

1. The claimant and/or representative;
2. The local county office; and,
3. Any other interested party.

**NOTE:** The claimant and/or representative, county OPA, and any other appropriate party will receive notification of the right to Judicial Review

**IMPLEMENT  
DECISION**

If the Board's decision is:

1. Favorable to the claimant, within 10 days, the OPA must take action to correct any under issuance/payment of benefits; or,
2. Favorable to the Department, within 10 days, the OPA must take the appropriate action to recover the amount of any benefits received and/or impose the adverse action.

**NOTE:** When the court issues a stay of the action and the claimant seeks judicial review, suspend recovery of benefits pending the outcome of the judicial review.

**JUDICIAL REVIEW** A party to an appeal who does not agree with the Board's final decision may seek judicial review of that decision. The party must file a petition in the district court within 30 days after date of the Board's final order.

**NOTE:** A "party to an appeal" includes the claimant or authorized representative, a real party, or the Department.

**NOTE:** Do not continue benefits to the claimant during the judicial review except by court order.

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