



SNAP 1506-2 CASE MANAGEMENT Administrative Review

Supersedes: FS 1506-2 (04/01/06)

Reference: 7 CFR 273.15; ARM 37.5.304; .307; .313; .316; .318; .322; .325; .328; .331; .334; .337; .503; .505

Overview: An Administrative Review is a meeting between the Department's representative and the claimant and/or their representative, to resolving a dispute on the Department's action, to possibly avoid an unnecessary hearing or reduce confusion at the hearing. 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 claimant's satisfaction.

REVIEW TIME FRAME:

An Administrative Review must be held, completed, and a report submitted to the Hearing Officer within 15 calendar days from the date the Hearing Office sends the Review Request to the authority unless an expedited review is requested. The Department will assure that within 60 days of receipt of a fair hearing request, the hearing is conducted, a decision is reached and the household and local OPA are notified of the decision.

The Department may also offer administrative reviews to households adversely affected by an agency action. The Department will advise households that use of an administrative review is optional and that it will in no way delay or replace the fair hearing process.

The Administrative Review is held by telephone. When there is not a working phone number on file, the claimant is given the option of appearing at the OPA of claimant's county of residence or calling the Department designee.

EXPEDITED REVIEWS:

When a client is adversely affected, an Administrative Review to review the denial of expedited SNAP benefits must be held within two working days from the denial date, or later, at the household's request. All ARs are done by phone unless the client does not have a working phone number.

GROUP REVIEWS:

An Administrative Review may be held for a group when the:

1. Claimants agree to participate in a group rather than individually;
2. Cases involve related issues of State and/or Federal law, regulations or policies; and,
3. Claimants (or representatives) involved must each be allotted time to present their case.

RESCHEDULING:

If the claimant cannot appear at the date and time initially set for the administrative review, reschedule it to a time and date that is more convenient for the claimant. If the claimant does not appear at the rescheduled conference, reschedule it again if the claimant has good cause as described below.

GOOD CAUSE:

The claimant may claim good cause for failure to appear at the scheduled Administrative Review conference because:

1. There is a temporary breakdown in transportation or child care arrangements;
NOTE: Transportation is considered to be available if the claimant has the use of a private vehicle, public transportation, or can ride with someone else, provided the claimant is not required to accept a ride under circumstances which a reasonable person would consider dangerous or unsuitable.
2. A temporary severe illness or injury serious enough to prevent attending the meeting;
3. Severe weather conditions which make travel impossible or dangerous as experienced by others in the community; or,
4. Any other circumstance which is beyond the claimant's control.

REVERSAL/MODIFICATION ACTION:

At any time during an Administrative Review, an adverse action may be reversed or modified, if circumstances warrant such action. In that case, a hearing does not need to be held unless the claimant protests the modified adverse action. If the claimant is satisfied with the modified/reversed determination, they must withdraw their appeal request.

EFFECTS ON HEARING RIGHTS:

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

FAILURE TO APPEAR:

When the claimant (or representative) fails to appear for an Administrative Review, without good cause, the Department's representative will:

1. Dismiss the Administrative Review,
2. Complete 'Administrative Review Report' , and,
3. Distribute to the Office of Fair Hearings, the claimant, and upload into case file.

The Hearing Officer will proceed with the hearing schedule and notify the claimant.

CLAIMANT WAIVES REVIEW:

The claimant (and/or representative) has the right to waive an Administrative Review. When the claimant chooses to do so, all exhibits and other pertinent items including a signed 'Administrative Review Report' are forwarded to the Office of Fair Hearings, Helena. A signed form is not necessary if the request to waive the Administrative Review has been received verbally.

ADMINISTRATIVE REVIEW REPORT:

The Fair Hearings Office sends 'Administrative Review Report', to the Department's representative as notification of the hearing request. The Office of Fair Hearings sends the hearing request to the Specialized Fair Hearing email inbox. Upon receipt of this form, the Department's representative must schedule the Administrative Review. Once the Review is completed, waived or withdrawn, the Department's representative completes the bottom portion of the form, having the claimant sign and check the appropriate box, and returns it to the Fair Hearing Office. If the claimant orally withdraws from the hearing, the Department's representative sends the completed Administrative Review Report to the claimant, Office of Fair Hearings and uploads it into DMS case file.

Effective Date: April 01, 2017