

Denials from Kansas Department for Children and Families Can Be Appealed



DENIED?

If you received a denial notice from the Department for Children and Families, you can appeal.

What should you appeal?

You were denied benefits and:

- A notice that you were overpaid benefits, when you reported future income, like that you got a job, but you didn't earn any money in the same month you got TANF.

- You were not able to complete a work requirement because the facility was closed and provided documentation to your caseworker.
- You were unable to meet your work requirement because childcare was needed and was not available to you.
- You are a single parent, with a child under 6 and childcare, from family or a facility, was not available to you.

There is usually a very short amount of time to submit your request for an appeal hearing.

Time limit	Benefit	Type of request	Get benefits during appeal process?
33 days	TANF (cash assistance)	In writing	Yes – if DCF receives your written request <u>by the effective date</u> provided in the Notice of Action
33 days	Childcare assistance	In writing to DCF	Yes – if DCF receives your written request <u>by the effective date</u> provided in the Notice of Action
33 days	KanCare	In writing	Yes – if DCF receives your written request <u>by the effective date</u> provided in the Notice of Action
90 days	Food assistance (SNAP)	In writing OR in person OR by calling your DCF office	Yes – if DCF receives your request <u>within 10 days</u> of the date at the top of the Notice of Action

You can use this form to appeal the decision:

<http://www.oah.ks.gov/request.htm>.

You don't have to use the form; you can just state that you want to appeal on a paper. You must sign the paper. You can mail it or deliver it in person.

The form can go to your local DCF office or Office of Administrative Hearings, 1020 S. Kansas Ave., Topeka, Kansas 66612.

If your appeal is denied, you may have to pay back the benefits you received during the appeal process.

Questions:

How do I know why I was denied?

DCF includes a “denial code” in the Notice of Action. “Incomplete application” means you need to provide additional documentation (maybe just a copy of a utility bill). Call your DCF office to follow up.

The rule number that applies to your situation is stated in the Notice of Action.

How do I know the rules for these programs?

Each program has a separate set of rules. The manual for the programs is available at: <http://content.dcf.ks.gov/ees/keesm/keesm.html>.

The manual for these programs is called the *Kansas Economic and Employment Services Manual* (link above). The rules set out there should be used by the caseworker to make decisions about your case.

The notice you received will list the sections of this manual that were used to make decisions in your case. You can look up the rules by number, using the index to the manual.

What happens if I file a request for appeal?

- After your written notice is filed, you will receive a letter from the Office of Administrative Hearings.
- The caseworker will be required to prepare an explanation of the reasons they took the action they did in your case.
- It will include the rules applied and the evidence used by the caseworker. You will receive a copy of that notice.
- Your appeal and evidence should be directed at proving the information used by the caseworker is not true or is not the complete situation.
- You should make copies of any written evidence you have and send them to the Office of Hearings and Appeals and the case manager before the hearing.

The Hearing Officer will have to decide if the evidence you and the caseworker present is valid evidence.

You will be able to tell your information under oath. You can also bring witnesses to give information for you.

If a witness won't appear voluntarily, you can make a written request to the Office of Administrative Hearings to issue a subpoena to your witness.

You get one chance to provide evidence for your hearing. If a decision is made about the matter without the evidence you want to present, you won't get a new hearing or have another chance.

- The Hearing will be handled by a Hearing Officer, who works for the state, but not the Department for Children and Families (DCF).
- You should understand that this person is going to make the decision in your case. You should be respectful of this person.
- The hearing will happen over the phone. You should try to provide a landline for this call or be certain that your cell phone is plugged in or fully charged.
- The Hearing Officer will often want to have a phone call in advance of the hearing to try to understand the issues in your appeal.

You will get a written notice of this phone call. You should read the notice carefully to see if the call is the "hearing" or a pre-hearing conference.

Only the evidence presented during the hearing is officially considered by the Hearing Officer.

After you and the case manager present your "evidence", both written and testimony, the Hearing Officer will adjourn the hearing.

They will make a written decision and send it to you and the DCF case manager.

If you don't agree with that decision, you can appeal to the State committee, within 18 days.

You will not get another hearing or another chance to present evidence. This Board will review the evidence used by the Hearing Officer to make their decision.

Information provided by: Kansas Appleseed Center for Law and Justice



and

Kansas Legal Services, Inc.



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