CHAPTER 10-001 FAIR HEARING PROCESSES

10-001.01 Right to Appeal: Every applicant for or recipient of assistance or services provided through the Nebraska Department of Health and Human Services has the right to appeal any action, inaction, or failure to act with reasonable promptness with regard to the assistance or services. The individual may appeal because:

1. His/her application for financial or medical assistance or services is denied;
2. His/her application for financial or medical assistance or services is not acted upon with reasonable promptness;
3. His/her assistance is suspended;
4. His/her assistance or services are reduced;
5. His/her assistance or services are terminated;
6. His/her form of payment or services is changed to be more restrictive; or
7. S/he thinks the staff's action was erroneous.

Exception: The client is not entitled to a fair hearing when either state or federal law requires automatic case adjustments for classes of clients unless the reason for an individual appeal is incorrect eligibility determination.

The applicant or client must request a fair hearing within 90 days following the date the notice of adverse action is mailed. If an applicant wishes to appeal due to inaction, s/he must request a fair hearing within 90 days of the date the application was signed. If the client submits a request for a hearing within ten days following the date the notice is mailed, the adverse action shall not be taken until a fair hearing decision is rendered. If the client submits a request for a hearing within ten days following the date the notice is mailed, the client must be allowed an opportunity to decline receipt of continued assistance pending the appeal decision.

10-001.02 Filing an Appeal: See 465 NAC 6-004.01.