



LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

NOTICE OF APPEAL RIGHTS

You may appeal to: **Community Action at PO BOX 1432, Greenfield Ma 01302** **for any of the following reasons**, on the Appeal Form provided by **CA**, and within these deadlines:

1. You may appeal if you have been denied LIHEAP assistance or you disagree with the amount of assistance. Your appeal must be received by **CA** within 20 working days of receipt of any notice of eligibility or ineligibility.
2. You may appeal if 45 working days have passed since the date **CA** received your application and the **CA** has not acted on your application (determined it to be eligible, ineligible, or incomplete) or November 1st (whichever date is later).
3. If your household has had a change in income or household size since you completed your application, you may request another review of **CA's** previous decision of eligibility (amount of assistance) or ineligibility. (The change in income or household size must have occurred on or before **April 30, 2020.**) You are encouraged to submit the documentation of the change to **CA** as soon as possible.

CA will schedule an informal, face-to-face hearing only if you request it within these deadlines and on an appeal form provided by **CA** or if **CA** deems it necessary. **CA** will send you a written decision within 10 working days after the hearing.

In no event will an appeal be accepted by CA after Friday, June 26, 2020.

If you do not have an informal, face-to-face hearing, **CA** may still require you to submit new or additional documentation in support of your appeal. **CA** will send you a written decision within 20 working days of receipt of your appeal or within 20 working days of receipt of complete documentation, if new or additional documentation has been requested.

If you want to appeal a written appeal decision from **CA**, you may file an appeal to Department of Housing and Community Development, Attention: LIHEAP Appeals, 100 Cambridge Street, Suite 300, Boston, MA 02114. **Your request for an appeal must be in writing, must contain the reason for the request, and must be received by DHCD within 20 working days after you received the written decision from CA. In no event will an appeal be accepted by DHCD after Friday, August 28, 2020.**

If you do not appeal first to Community Action, you may not appeal to DHCD.



LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

RULES FOR FAIR HEARINGS

1. These rules are designed to achieve an informal, just, speedy, and inexpensive determination of Low Income Home Energy Assistance Program (LIHEAP) appeals involving fair hearings. A hearing shall be held at the timely request of the Applicant or where the Agency deems it necessary.
2. The Applicant must ensure that the Agency receives the completed Appeal Form requesting a hearing in accordance with the following deadlines:
 - a. in the case of determination of eligibility or ineligibility, within 20 working days of the Applicant's receipt of the notice of eligibility or ineligibility.
 - b. after 45 working days have passed since the date the application was received by the Agency or November 1st, whichever is later, if the Agency has not acted upon the application; or
 - c. after the Applicant's household has had a change in either income or household size since a previous determination of eligibility or ineligibility by the Agency, and the change must have occurred on or before April 30, 2020.
3. The Applicant has a right to be represented at his/her own expense by an "authorized representative", who may be a lawyer, paralegal, friend, relative, or other person. Authorization for such representation must be submitted to the Agency in writing by the Applicant prior to or at the hearing. An authorized representative may exercise, on the Applicant's behalf, any rights and powers conferred by these rules. The Applicant can also bring their own interpreter to the hearing, or request that the Agency provide one for them if possible. If provided by the Agency, the interpreter is sworn to make an impartial and accurate translation of the events at the hearing. If the Applicant would like to request the Agency to provide an interpreter, the Applicant should call the Agency one week before the scheduled hearing date.
4. The Applicant has the right, both before and after the hearing, to examine and copy their application materials on file with the Agency, at the Agency's office. The Applicant may copy their application and 5 additional pages from the file without charge; additional items may be copied at the Applicant's own expense. The Agency shall establish reasonable times at which the Applicant, upon reasonable notice, may examine and copy their file.
5. The Agency shall provide a written Notice of Hearing that:
 - a. provides 10 days' notice of the time and place of the hearing, plus 3 days for mailing, and a brief statement of the issues involved;
 - b. states that the Applicant has a right to obtain an authorized representative at their expense;
 - c. states that the Applicant has the right to examine and copy their appliCA materials on file with the Agency, and describes how to arrange such an examination;
 - d. states that the hearing will be governed by these rules;
 - e. states that if the Applicant fails to appear for the hearing as scheduled and fails to reschedule the hearing in advance, the appeal will be dismissed, subject to reinstatement if the Applicant shows good cause for their failure to appear or reschedule; and
 - f. includes a reasonable accommodation statement.
6. At the hearing, the Applicant and the Agency shall have the right to present personal testimony, witnesses, documentary evidence, and oral and/or written argument, to question witnesses and to rebut any evidence offered at the hearing. The hearing may be conducted in an informal manner and without adherence to the formal rules of evidence.
7. An impartial hearing officer to be selected by the Agency shall preside at the hearing. The hearing officer:
 - a. may exercise reasonable control over the sequence and length of the presentations in order to preserve order and avoid repetition;

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RULES FOR FAIR HEARINGS - PAGE TWO

- b. may limit attendance at the hearing in order to preserve order and the Applicant's privacy, provided that the Applicant may waive their privacy rights;
 - c. may continue the hearing until a later date, where appropriate;
 - d. may exercise discretion to limit or exclude evidence, but shall not apply the rules of evidence that are applicable in court and shall accept all relevant, reliable, and non-repetitive evidence;
 - e. shall keep copies of all documents submitted at or relied upon in the course of the hearing; and
 - f. need not administer any oath to witnesses, but shall not give reduced weight to any testimony by reason of its not being given under oath.
8. The Agency shall record the hearing, and the recording shall become part of the record of the hearing, but the Agency shall not be required to transcribe it. The Applicant may also record the hearing at their own expense.
9. The Hearing Officer's decision:
- a. shall be in writing;
 - b. shall be based only on the materials in the Applicant's file, the evidence and oral argument submitted at the hearing, any written argument submitted before or during the hearing, (or after the hearing if within a time specified by the hearing officer), the applicable program requirements, and any other undisputed facts;
 - c. shall state the reasons for the decision, including applicable program requirements, and shall resolve those factual disputes, if any, that are necessary to deciding the appeal;
 - d. shall be issued within 10 working days of the close of the hearing and receipt of any requested post-hearing submissions; and
 - e. shall inform the Applicant of their right to file a further appeal of the decision to Department of Housing and Community Development (DHCD) and the process by which to do so.



LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

APPEAL FORM

Please note: Processing of Appeal applications will be on a first come, first served basis based on the RECEIPT DATE of the appeal form and any new documents (if applicable) and not based on the original date of application.

To process an appeal, this form must be completed, signed, and submitted to CA. **New or additional information or documentation may be submitted in support of the appeal, with this appeal form, by mail or in person to CA.**

PART A: I WANT TO APPEAL TO CA FOR ONE OF THE FOLLOWING REASONS:

- ☐ 1. I have received a notice from CA that I am ineligible for fuel assistance benefits. (This Appeal Form must be received by CA within 20 working days of receipt of any notice of eligibility or ineligibility.)
- ☐ 2. I have received notice from CA that I am eligible for fuel assistance benefits, but I disagree with the AMOUNT of benefits. (This Appeal Form must be received by CA within 20 working days of receipt of this Appeal Form.)
- ☐ 3. My household has had a change in income or size AFTER CA notified me that I was ineligible or eligible (including amount of benefits) for fuel assistance benefits, and I want the CA to review its previous determination based on this change. (The change of income/household status must have occurred on or before April 30, 2020. The household must submit proof of the change with this Appeal Form.)
- ☐ 4. I have not received a notification of an action (e.g., eligible, ineligible, incomplete) from CA on my application for fuel assistance benefits after 45 working days have passed since the date CA received my application or November 1st, whichever date is later.

ADDITIONAL COMMENTS: _____

PART B: CHECK ONLY ONE BOX BELOW:

- ☐ 1. I request that CA review my file (including any additional information or documentation which I now want to submit in support of my appeal). I understand that CA may also request that I submit additional information or documentation.

Please list any additional information or documentation being submitted: (Use additional sheet(s) of paper if necessary.) _____

I understand that CA will send me a written decision within 20 working days of receipt by CA of this Appeal Form or receipt of any information or documentation requested by CA. CA may schedule an informal, face-to-face hearing if CA deems it is necessary.

OR

- ☐ 2. I request that CA schedule an informal, face-to-face hearing for me to present my appeal. I understand that this hearing will be recorded and conducted by a hearing officer selected by CA. I understand that I will receive a Notice of Hearing from CA notifying me of the time and place of the hearing and the rules for the hearing. CA will send me a written decision by the hearing officer within 10 working days of the hearing and any requested post-hearing submissions.

IMPORTANT: If you request an informal, face-to-face hearing, any new documents that you would like to be considered at the hearing should be submitted prior to (AGENCY) scheduling the hearing.

In no event will an Appeal Form be accepted by (AGENCY) after Friday, June 26, 2020.

I understand that if I do not first appeal to (AGENCY), I may not appeal to DHCD. In no event will DHCD accept appeals after August 28, 2020.

I agree to provide all information and documentation as required to verify my eligibility for fuel assistance benefits.

Applicant Signature

Date

Application Number

This form and all necessary documentation must be returned within the appeal deadlines to CA at above address.