



Benefits Appeals to DHS

What can I appeal?

You can appeal almost any decision made about you by a county welfare agency or the Minnesota Department of Human Services. You can appeal if your benefits are denied, lowered, cut off, delayed, or the wrong amount.

You can appeal decisions about:

- Minnesota Family Investment Program (MFIP)
- General Assistance (GA)
- Emergency Assistance (EA)
- Minnesota Supplemental Assistance (MSA)
- Medical Assistance (MA)
- MinnesotaCare
- Medicaid waivers
- SNAP (food stamps)
- Childcare assistance
- foster care
- homemaker services
- employment and training
- and other programs

Note: SNAP is the name for food stamps (Supplemental Nutrition Assistance Program)

To appeal an SSI decision, see our fact sheet [SSI Appeals](#).

Do I need a lawyer?

No, but it can help. Call your legal aid office as soon as you can for help or referrals at 1-(877) 696-6529.

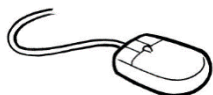


How do I appeal?

There are different ways you can get your appeal in.

Online:

You can [fill out a form and submit your appeal](#) online. Go to: <https://mn.gov/dhs/>.



- Click on the "How do I" box towards top right of page
- Under "Find" click on "edocs and forms"
- Click your language
- Type 0033 in the search bar

There are instructions and the form. Read everything carefully, fill the form out completely and click "Submit" on the bottom right. It is a good idea to print a copy for yourself.

You can also print the blank form if you want to fill it out by hand and send it in.

By mail or fax:

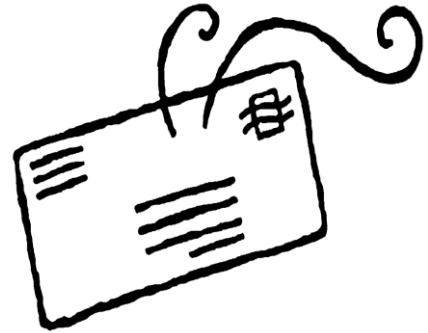
You can get the form from the county. If you don't want to use a form, it is okay to just write a letter and mail or fax it. Say you want to appeal a decision and why. If you want to keep getting your benefits during the appeal, there is a time limit. See "How soon do I have to appeal?" below.

Make sure you put your case number and the date on your letter. Keep a copy for yourself. You can give the appeal letter to your county worker.

You can also mail or fax your appeal to:

Minnesota Department of Human Services Appeals Office
PO Box 64941
St. Paul, MN 55164-0941

Fax (651) 431-7523

**How soon do I have to appeal?**

- You usually have 30 days from the date on the county notice. For food stamps, it is 90 days. The notice says how long you have. Read it carefully.
- If you appeal after the time limit but within 90 days, you need to show "good cause" for being late. Some examples of good cause are serious illness or being out of town when the notice came.
- If you appeal a termination or decrease, and **you want to keep getting benefits during the appeal**, you must appeal
 1. within 10 days of the mailing of the notice by the county, **or**
 2. before the date the termination or decrease begins.

How long until my appeal hearing?

Usually, your hearing happens 3 or 4 weeks after you appeal. If you are appealing something urgent, like a denial of Emergency Assistance (EA), you can ask for an "expedited" hearing. Expedited means fast. Your hearing will probably be 1 or 2 weeks after your appeal.

The hearing officer is supposed to send you a decision within 90 days after you appeal, but it often takes longer. In an expedited case, the hearing officer is supposed to send a decision as fast as possible. But there is no specific rule about how fast.

What if I need an interpreter?

Say so on the appeal form or in your letter asking for an appeal. The hearing office has to provide one. The interpreter may be on the phone for the hearing even if the hearing is in person. You may get asked very exact questions, so an interpreter is a good idea even if you speak some English.

Can I get paid for my expenses?

Yes. You must be paid for reasonable costs of going to the hearing, like childcare and travel costs for you and your witnesses. You can also get reimbursed (paid back) for the cost of a medical assessment if it was necessary for you or your witnesses.

Where is the hearing?

You get a notice about the hearing. It says when and where your hearing is. Most hearings are held by phone. You have the right to a hearing in person or by video in some cases.

If your hearing is by phone, make sure the hearing officer has the right number to reach you.

If you feel you need an in person or video hearing because of your disability, or the disability of a witness, call and explain why you feel you need it. Your hearing may have to be rescheduled.

How do I get ready for the hearing?

The county sends you a “Summary of Issues” or “State Agency Summary.” It should have all the facts and law they used to make the decision. You may want to check a welfare manual to see what it says about your problem. You can ask to see one at your library, welfare office, or legal aid office. The manuals are also online at the MN Department of Human Services website.



You should:

- Get your facts together. Make copies of any papers that can help you. Fax the papers to the judge. The fax number is on the notice that gives the date and time for your hearing. Give copies to your worker too.
- Talk to anyone who can be a witness or write a statement for you. If a witness won't come to the hearing, you can subpoena them to come. Call the hearing office at (651) 361-7900 about getting a subpoena.
- Look at your file at the welfare office as soon as possible. The agency cannot use information at the hearing if you did not see it first.
- Before the hearing, make an outline and notes of what you want to say.
- Practice telling your story and showing your evidence to a friend.
- If the hearing is by phone, make sure your phone is working. You can also go to the local welfare office to use a phone there.

What happens at the hearing?

Hearings are less formal than a court trial. If the hearing is in person, everyone sits at a table. A hearing officer asks questions to be answered under oath. Your worker will be there, sometimes with a supervisor, lawyer, or advocate for the county. You can bring a lawyer or advocate, plus your witnesses.

Your worker tells the county's side of the story and gives the hearing officer any written evidence or testimony to support it. You and your witnesses can do the same. At the end, each side can give a short statement of their side of the case.

The hearing officer does not announce the decision at the hearing. You have to wait for it to come in the mail.



What if I don't like the decision?

The hearing officer writes a recommended decision and sends it to one of the Chief Human Services Judges. The Chief Human Services Judge makes the final decision and sends it to you.

If you got benefits during the appeal, and you lose, your benefits stop or are lowered after that first hearing, even if you appeal further. You also have to repay the benefits you got during the appeal, unless you win at a higher level of appeal. If you are still getting benefits, the county starts taking money out of your amount for the overpayment.

If you disagree with the decision, you can ask for a reconsideration or you can appeal to a court. You have to do this within **30 days** from the date the Chief Human Services Judge signs the decision.

How do I ask for reconsideration?

If you want to ask for a reconsideration first, it must be

- **in writing** and
- sent to the Director of Appeals and
- also sent to all of the agencies listed in the order within 30 days of the date on the decision or order.

There is no form. Write a letter asking for reconsideration. You have to say why you think your case should be looked at again. If you have legal arguments, put them in the letter. If you have new evidence, say why it wasn't presented at the hearing and attach it to your letter. Make a copy for everyone on the list and keep a copy for yourself.

Your DHS decision papers have all the information you need on how to submit your request. It also lists all the people and agencies you need to send copies to.

What happens next?

The Director of Appeals reviews your request. These are the things that can happen:

- the Director agrees with your arguments and issues a new decision or order, or
- you may get another hearing, or
- the Director might decide that the original decision or order stands

You get a letter telling you one of these things and what happens next.

If you haven't heard from them in 30 days call and check on it.

Appeals

You can appeal to District Court instead of asking for reconsideration. Call your legal aid office right away.

If you ask for reconsideration but don't agree with the reconsidered decision, you can appeal to District Court. Call your legal aid office right away. Find yours at [1-\(877\) 696-6529](tel:1-877-696-6529).

See our fact sheet [Public Benefits Appeals to District Court](#).



Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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