

Your Right to a Fair Hearing- Food Share

If you have applied for Food Share benefits and your application has been denied or if your Food Share benefits are being reduced or terminated you have the right to request a Fair Hearing. A fair hearing gives you the opportunity to tell your side of the story and have a neutral Hearing Judge decide your case.

How to Request a Hearing

- You can request a Fair Hearing by writing or calling the Hearing office:

Division of Hearings and Appeals
5005 University Avenue, Suite 201
Madison, WI 53705-5400
Phone: 1-608-266-3096
Fax: 1-608-264-9885

- You can also submit your hearing request at your county welfare office. They will send your request to the Hearing office.
- Attached is a Fair Hearing form you can use. You should make sure you fill in all required information such as your name, address and case number. Your case number is the 10 digit number on the notice you received. You should check the Food Share box and indicate whether your benefits are being denied, terminated or reduced. If you are appealing because you received a notice of a Food Share overpayment you should check the overpayment box.

How much time you have to request a Fair Hearing

- There are time limits for requesting a Fair Hearing. Generally, you have 90 days from the date of the notice you received or 90 days from the date your Food Share benefits are being reduced or terminated, whichever is later. For example, if your Food Share benefits are ending June 1, 2011 the Hearing office must receive your hearing request by August 29, 2011. If you receive a notice dated June 5, 2011 that you are being denied Food Share benefits or you have an overpayment the Hearing office must receive your hearing request by September 3, 2011.
- **The notice will tell you the date the Hearing office must receive your hearing request.** Information about your hearing rights and the deadline for requesting a hearing are on the last page of the notice.

Getting benefits while you wait for your hearing

- If you are already receiving Food Share and you ask for a hearing before the date your Food Share benefits are ending or being reduced (the first of the month) you can keep getting your same benefits until the Hearing office decides your case. If you lose the hearing you will have to pay back any Food Share benefits you received and were not eligible for while waiting for the hearing.

What will happen after you request a hearing

- Once you request a hearing you will receive a letter from the Hearing office telling you that your hearing request was received and that a hearing will be scheduled in a few weeks. When the hearing is scheduled you will receive a letter with the date, time and place of the hearing. At the hearing the Hearing Judge will ask the county or state worker about your case and you will be asked to tell your side of the story. You can also bring witnesses who have information about your case and any documents that support your case to the hearing.
- The Hearing Judge will usually not make a decision at the hearing but will mail you a decision. If the Judge decides that the county or state was wrong, the Judge will order them to give you the Food Share benefits you are owed. If the Judge decides the county's or state's action was correct, your hearing request will be dismissed. The Hearing decision will tell you about your further appeal rights.

What you should do if your benefits are corrected before the hearing

- Sometimes after you request a hearing your county or state worker decides to correct your case before a hearing is scheduled. If your case is corrected and you are issued the Food Share benefits you are owed you will be asked to sign a hearing withdrawal form to send to the Hearing office. When you sign a hearing withdrawal form you are telling the Hearing office that you no longer need a hearing. You should only sign a withdrawal form if the county or state agency has agreed to issue the Food Share benefits you are eligible to receive.

Prepared by: Legal Action of Wisconsin- October 2011
www.legalaction.org (414)278-7722

Your Right to a Fair Hearing Medical Assistance / Badgercare

If you have applied for Medical Assistance or Badgercare benefits and your application has been denied or if your Medical Assistance or Badgercare benefits are being terminated, your premium is changing or you are being denied a medical service you have the right to request a Fair Hearing. A fair hearing gives you the opportunity to tell your side of the story and have a neutral Hearing Judge decide your case.

How to Request a Hearing

- You can request a Fair Hearing by writing the Hearing office:

Division of Hearings and Appeals
5005 University Avenue, Suite 201
Madison, WI 53705-5400
Phone: 1-608-266-3096
Fax: 1-608-264-9885

- You can also submit your hearing request at your county welfare office.
- Attached is a Fair Hearing form you can use. You should make sure you fill in all required information such as your name, address and case number. Your case number is the 10 digit number on the notice you received. You should check the Medical Assistance box and indicate whether your benefits are being denied, terminated or otherwise changed. If you are being denied a medical service you should check the level of care or prior authorization box. If you are appealing because you received a notice of a Medical Assistance/Badgercare overpayment you should check the overpayment box.

How much time you have to request a Fair Hearing

- There are time limits for requesting a Fair Hearing. Generally, you have 45 days from the date of the notice you received or 45 days from the date your Medical Assistance or Badgercare benefits are being changed or terminated, whichever is later. For example, if your benefits or medical services are ending June 1, 2011 the Hearing office must receive your hearing request by July 15, 2011. If you receive a notice dated June 5, 2011 that you are being denied benefits or services or you have an overpayment the Hearing office must receive your hearing request by July 20, 2011.

- **The notice will tell you the date the Hearing office must receive your hearing request.** Information about your hearing rights is on the last page of the notice.

Getting benefits while you wait for your hearing

- If you are already receiving Medical Assistance/Badgercare and you ask for a hearing before the date your benefits or services are ending or changing (usually the first of the month) you can keep getting your same benefits until the Hearing office decides your case. If you lose the hearing you will have to pay back any benefits you received and were not eligible for while waiting for the hearing.

What will happen after you request a hearing

- Once you request a hearing you will receive a letter from the Hearing office telling you that your hearing request was received and that a hearing will be scheduled in a few weeks. When the hearing is scheduled you will receive a letter with the date, time and place of the hearing. At the hearing the Hearing Judge will ask the county or state worker about your case and you will be asked to tell your side of the story. You can also bring witnesses who have information about your case and any documents that support your case to the hearing.
- The Hearing Judge will usually not make a decision at the hearing but will mail you a decision. If the Judge decides that the county or state was wrong, the Judge will order them to give you the benefits you are owed. If the Judge decides the county's or state's action was correct, your hearing request will be dismissed. The Hearing decision will tell you about your further appeal rights.

What you should do if your benefits are corrected before the hearing

- Sometimes after you request a hearing your county or state worker decides to correct your case before a hearing is scheduled. If your case is corrected and you are given the Medical Assistance or Badgercare benefits or services you believe you should receive you will be asked to sign a hearing withdrawal form. When you sign a hearing withdrawal form you are telling the Hearing office that you no longer need a hearing. You should only sign a withdrawal form if the county or state agency has agreed to give you the Medical Assistance or Badgercare benefits you are eligible to receive.

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