

WHO WILL DECIDE YOUR CASE?

The presiding officer is a hearings examiner employed by the Department of Health and Human Services for this purpose. The presiding officer will listen to all sides of the issue and consider all pertinent facts and law prior to issuing a decision.

HOW WILL THE DECISION BE MADE?

After the hearing is conducted, the presiding officer will issue a written decision. The decision will be based on the facts of your case and applicable statutes, rules and policies.

DISCRIMINATION

The Department of Health and Human Services decides each case based on the facts and the law. Discrimination against anyone because of age, sex, race, color, creed, handicap, disability, national origin, religious or political belief is against the law. If you feel you have been discriminated against, contact the Office of Client Services, 129 Pleasant Street, Concord, N.H., 03301; telephone (603) 271-4238 or 1-800-852-3345 ext. 4238 (in N.H. only). TDD Access Relay N.H. 1-800-735-2964. There can be no retaliation against you for having made this contact.

IF YOU HAVE OTHER QUESTIONS...

If you have questions concerning the appeals process, write or call: Administrative Appeals Unit, 105 Pleasant St., Concord, N.H., 03301, (603) 271-4292 or 1-800-852-3345 ext. 4292.

DISTRICT OFFICES

BERLIN

650 Main St., Suite 200
Berlin NH 03570
(603) 752-7800

CLAREMONT

17 Water Street
Claremont, NH 03743
(603) 542-9544

CONCORD

40 Terrill Park Drive
Concord, NH 03301
(603) 271-6202

CONWAY

73 Hobbs Street
Conway, NH 03818
(603) 447-3841

KEENE

111 Key Road
Keene NH 03431
(603) 357-3510

LACONIA

65 Beacon Street West
Laconia, NH 03247
(603) 524-4485

LITTLETON

80 North Littleton Road
Littleton, NH 03561
(603) 444-6786

MANCHESTER

195 McGregor Street
Manchester NH 03102
(603) 668-2330

NASHUA

3 Pine Street Ext
Nashua, NH 03060
(603) 883-7726

PORTSMOUTH

50 International Drive
Portsmouth, NH 03801
(603) 433-8300

ROCHESTER

150 Wakefield St.
Rochester, NH 03867
(603) 332-9120

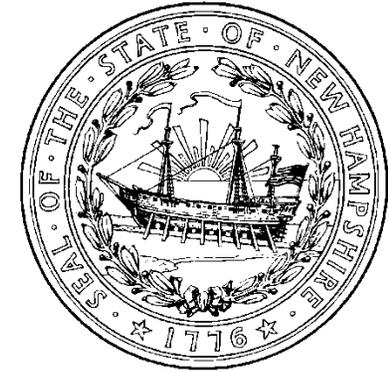
TDD Access Relay N.H. 1-800-735-2964

Administrative Appeals Unit

105 Pleasant Street
Concord, N.H., 03301

(603) 271-4292
1-800-852-3345 Ext. 4292

NEW HAMPSHIRE ADMINISTRATIVE APPEALS UNIT



Administrative Appeals Unit

105 Pleasant Street
Main Building
Concord NH 03301

(603) 271-4292
1-800-852-3345, ext. 4292
(in N.H. only)

If you disagree with an action taken by the Department of Health and Human Services, you may request an administrative hearing.



The New Hampshire Department of Health and Human Services wants you to receive benefits and services to which you are legally entitled. Department staff members are trained to determine your eligibility for benefits and the types and amounts you are entitled to receive. However, with the volume of applications received and processed, mistakes can occur.

If the Department takes an action which directly affects you, and with which you disagree, you have a right to appeal that action. The Department's administrative appeals process is the manner for you to contest such actions.

This informational pamphlet, prepared by the Administrative Appeals Unit, briefly explains the appeals process.

The information contained in this pamphlet is of a general nature to help you become familiar with the administrative appeals process. This pamphlet does not contain the specific policies and procedures which govern appeals. More detailed information is available from your local District Office or directly from the Administrative Appeals Unit, 105 Pleasant St., Concord, N.H., 03301, 1-800-852-3345 ext. 4292.

DO YOU HAVE ANY RIGHTS?

Yes. These rights are generally called your rights to due process. They include, but are not limited to:

- Your choice of a representative;
- Your right to examine records before and during the hearing;
- Your right to have your case heard by an impartial person;
- Your right to bring witnesses; and
- Your right to question the state's witnesses.

Your local district office or the Administrative Appeals Unit can provide you with more detailed information.

HOW DO YOU START AN APPEAL?

Generally, a request for an appeal must be in writing. You can use a Department form (Request for a Fair Hearing) or just write a letter. Your request should be submitted to your local district office, or mailed to the Administrative Appeals Unit at 105 Pleasant Street, Concord, NH 03301. If you cannot complete the form or write a letter, you may start an appeal by telling a representative of the Department of Health and Human Services that you want to file an appeal.

The main point is that you need to clearly express your desire for an appeal as soon as possible after you determine that you disagree with a Department action which affects you.

There are time limits for filing an appeal. Generally, you must file an appeal within 30 days after the date on the notice of decision (90 days for food stamps). Carefully read your Notice of Decision, and the Notice of Rights and Responsibilities, to be sure how long you have to file an appeal.

Under certain circumstances, if you appeal an action within 15 days of the date on the notice of decision, you may be able to continue to receive benefits at the before-notice level until a decision on your appeal is issued. If the appeal decision upholds the Department's action, the continued benefits will have to be repaid.

HOW CAN YOU PREPARE FOR A HEARING?

You may represent yourself at the hearing or be represented by others. You may have anyone you wish serve as your representative, provided they are of good character, including a friend, relative, or attorney. The issues and policies may be complicated, and legal assistance could be of help to you. The Department of Health and Human Services will not pay your legal expenses. If you want legal advice, it may be advisable to contact: (a) NH Bar Association Lawyer Referral Service at (603) 229-0002; (b) Disabilities Rights Center at 1-800-834-1721; or (c) NH Legal Assistance at one of the following locations – Berlin at (800) 698-8969, Claremont at (800) 562-3994, Concord at (800) 921-1115, Manchester at (800) 562-3174, or at Portsmouth at (800) 334-3135. **Do not wait until the last minute to make arrangements for representation. Preparation for the hearing is your responsibility.**

CAN YOUR APPEAL BE SETTLED WITHOUT GOING THROUGH A HEARING?

Yes. The Department of Health and Human Services encourages settlement of issues under appeal prior to a hearing actually being held. Either you or the Department may request a meeting for this purpose at any time. Such meetings are desirable, but in no way limit your right to a hearing as long as one has been requested in a timely manner.

WHERE WILL YOUR HEARING BE HELD?

You will be notified in advance by the Administrative Appeals Unit of the time and place your hearing will be held. Generally, hearings are held in the local District Offices, and may be conducted using video conference equipment, with the presiding officer in Concord. Most medically related hearings and food stamp hearings are held at the Administrative Appeals Unit in Concord.