



Welfare 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, or delayed.

You can appeal decisions about:

- Minnesota Family Investment Program (MFIP)
- General Assistance (GA)
- Emergency Assistance (EA)
- Minnesota Supplemental Assistance (MSA)
- Medical Assistance (MA)
- MinnesotaCare
- SNAP (food stamps)
- Child care funding
- 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.



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: www.LawHelpMN.org/resource/form-helper.



- Click on "Government Benefits"
- Click on "Appeal a Decision for Denied, Reduced or Cut-Off Benefits"

Read it carefully, fill it 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.

By mail or fax:

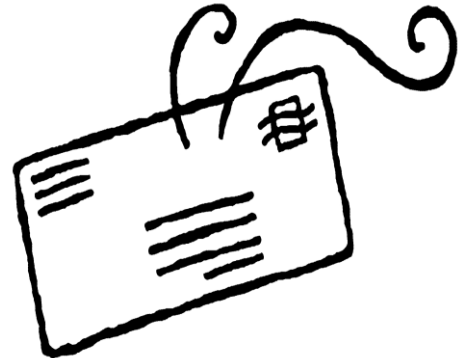
You can get the form from the county. If you don't want to use a form it is okay to just write a letter and mail or fax it. Say you want to appeal a decision and why. If you want to keep getting your benefits during the appeal, you must say so but there is a time limit. See "How soon do I have to appeal?"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

Can I get paid for my expenses?

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

Where will the hearing be?

You get 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 appeal hearing?

The county will send 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 will help you.
- 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 him or her to come. Call your worker or the hearing office 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 will tell the county's side of the story and will give 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.

What if I don't like the decision?

The hearing officer writes a recommended decision and sends it to the Chief Appeals Referee, who makes the final decision and sends it to you. If you got benefits during the appeal, those will stop or be lowered if you lose at the first hearing, even if you appeal further. You also have to repay the benefits you got during the appeal.

If you disagree with the decision, you have **30 days** from the date the Chief Referee signs the decision to ask for a reconsideration or to appeal.

How do I ask for reconsideration?

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

- **in writing** and
- sent to the Commissioner of the Department of Human Services (DHS) 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 and also lists all the people and agencies you need to send copies to.

What happens next?

The DHS judge reviews your request. The judge may agree with your arguments and issue a new decision or order, or you may get another hearing, or the judge might decide that the original decision or order stands. You will 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.

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



Find more fact sheets at www.lawhelpmn.org/LASMfactsheets

Find your local legal aid office at www.lawhelpmn.org/resource/legal-aid-offices

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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