

FAIR HEARING REQUEST

COMPLETE ALL NON-SHADED AREAS

Name of Person Appealing (*Last, First, M.I.*) _____

SOC. SEC. NO. _____

Mailing Address (*No., Street*) _____

City _____ State _____ ZIP Code _____

THIS SECTION FOR CLIENTS AND CERTIFIED CHILD CARE PROVIDERS

To request a fair hearing, complete the following:

1. Action being appealed:

- | | | |
|---------------------------------|-----------------------------|---|
| Termination of Services | Decrease in Services | Denial of Services |
| Revocation of Certification | Suspension of Certification | Denial of Certification/Recertification |
| Denial of A Payment Claim | Overpayment | |
| Other (<i>explain</i>): _____ | | |

2. Please provide a description of your reason for requesting a fair hearing:

THIS SECTION FOR CLIENTS ONLY

Please check only one box:

I do not want my child care continued.

I want my child care services continued at the same amount pending the outcome of the fair hearing decision. I understand that if I received Child Care Assistance pending the outcome of a hearing, I may be required to repay any benefits received for which I am not eligible.

Signature of Person Appealing _____ Phone NO. _____ Today's Date _____

FOR OFFICE USE ONLY

Date Request Received _____ Date Timely Notice Mailed _____

Name of Child Care Specialist _____

Phone NO. _____ Mail Drop _____

Distribution: Original – Office of Appeals; Copy – Child Care local office; Copy - Client

Who can appeal:

1. Clients have the right to appeal any action or inaction on an application for or receipt of child care services.
2. Department of Economic Security (DES) certified family child care providers have the right to appeal the denial of certification or recertification, suspension of certification, revocation of certification, or the denial of a payment claim.
3. Non-certified relative providers do not have the right to appeal.
4. Contracted centers and Department of Health Services (DHS) certified group homes do not have the right to appeal.
5. Providers whose fingerprints do not clear the local Department of Public Safety (DPS) or the national Federal Bureau of Investigation (FBI) search may not appeal to DES. They may challenge the DPS, the FBI, or the law enforcement agency which submitted the information.

Your appeal will be heard before a DES hearing office who will hear your case and render a decision. If you are not satisfied with the first decision, you have the right to appeal to the Board of Appeals.

Clients may choose to continue receiving child care services pending the outcome of the hearing; however, if the hearing decision is not in your favor, you will be required to repay the child care services for which you were not eligible. This includes a hearing decision which is not in your favor, failure to attend a scheduled hearing, or the withdrawal of a request for hearing. If you choose not to continue receiving child care services, and the hearing decision is in your favor, you will receive the services to which you were entitled.

DES certified family child care providers will remain in a suspense status until the Child Care Administration receives the hearing officer's decision. The Department shall not refer any children, nor will the Department make payment for any children during this period. If the hearing is in your favor, the Department shall reactivate your certificate and again make referrals to you. If the hearing decision is not in your favor, the Department may begin revocation proceedings.

An individual who is appealing a Department decision has the right to:

1. Be notified of the time and place of the hearing;
2. Bring an attorney or any other person to the hearing and to review the case file before the hearing;
3. Appear at the hearing and be heard in person and/or through a representative;
4. Present witnesses and evidence at the hearing, confront and cross-examine the Department's witnesses;
5. Request an interpreter be provided or bring an interpreter to the hearing.