

## **6003-F FAIR HEARINGS AND APPEALS**

REVISION DATE: 02/22/2023, 03/02/2015

EFFECTIVE DATE: July 31,1993

REFERENCES: A.A.C R6-6-2201; A.A.C. R6-6-2202

### **PURPOSE**

The purpose of this policy is to outline the process of appealing the outcome of an Administrative Review.

### **DEFINITIONS**

1. "Administrative Decision" means the Division's written decision resulting from an Administrative Review.
2. "Appeal" means a request for a hearing pursuant to Article 22 under this Chapter to adjudicate the Division's Administrative Decision or proceeding pursuant to R6-6- 1808(B)(1).

### **POLICY**

#### **A. APPEALING AN ADMINISTRATIVE REVIEW DECISION**

The Division shall accept a request for a hearing with the AHCCCS Administration to appeal the Administrative Decision when a member disagrees with a decision the Division rendered in an administrative review when:

1. The request is in writing, and
2. Filed no later than 15 calendar days of the personal delivery or postmark date of the Administrative Review decision.

**B. FILING AN APPEAL**

1. The Division shall consider appeals received when the document is received:
  - a. Transmitted via the United States Postal Service, on the date it is mailed. The mailing date shall be:
    - i. As shown by the postmark; or
    - ii. As shown by the postage meter mark of the envelope in which it is received if there is no postmark; or
    - iii. The date entered on the document as the date of its completion, if there is no postmark, or no postage meter mark, or if the mark is illegible.
  - b. On the date it is received by the Department, if transmitted by any means other than the United States Postal Service.

- c. The submission of any document not within the specified statutory or regulatory period shall be considered timely if it is established to the satisfaction of the Department that the delay in submission was due to Department error or misinformation, or to delay caused by the United States Postal Service.
2. The Division shall forward the request directly to the AHCCCS Grievance and Appeals Division.
3. Any document mailed by the Division shall be considered as having been served on the addressee on the date it is mailed to the addressee's last known address. The date mailed shall be presumed to be the date of the document, unless otherwise indicated.
4. The Division shall advise the requestor of the right to counsel and, if requested, provide additional information on how to complete the hearing request.