

6003-F APPEALING ADMINISTRATIVE REVIEW DECISIONS

REVISION DATE: 8/28/2024, 2/22/2023, 3/2/2015

REVIEW DATE: 3/28/2024, 4/5/2023

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 Administrative Review Decisions.

DEFINITIONS

1. "Administrative Decision" or "Administrative Review 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).
3. "Calendar Day" means every day of the week including weekends and holidays.
4. "Responsible Person" means the parent or guardian of a minor with a developmental disability, the guardian of an adult with a developmental disability or an adult with a developmental

disability who is a member or an applicant for whom no guardian has been appointed.

POLICY

A. APPEALING AN ADMINISTRATIVE REVIEW DECISION

The Division's Office of Administrative Review (OAR) shall accept a request for an Appeal to the Administrative Review Decision when a Responsible Person submits the request in writing 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's OAR shall consider Appeals to Administrative Review Decisions that are received and filed by the Division's OAR within 15 Days after the mailing date of the Administrative Review Decision, using the date the Appeal is:
 - a. Delivered by the United States Postal Service, mailed to the Division's OAR:
 - i. As shown by the postmark;

- 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; or
 - b. Received by the Division if transmitted by any means other than the United States Postal Service.
- 2. The Division's OAR shall forward the request directly to the AHCCCS Grievance and Appeals Division.
- 3. The Division shall advise the requester of the right to counsel and, if requested, provide additional information on how to complete the hearing request.