

9055.0080 APPEAL PROCEDURE; DENIAL OF ASSISTANCE.

Subpart 1. **Right to appeal.** An applicant may appeal a decision by the department not to grant assistance. Appeals must be in the manner described in this part.

Subp. 2. **Submitting appeals.** Appeals must be submitted to the commissioner in writing within 60 days of the applicant's receipt of the denial letter.

Subp. 3. **Appeal options.** An applicant may elect to pursue either a written appeal or a personal hearing.

Subp. 4. **Reasons.** An applicant shall state any reasons why the applicant disagrees with the decision to deny assistance. The applicant may submit any additional evidence or documentation for consideration.

Subp. 5. **Personal hearing.** An applicant may request a personal hearing before the commissioner to present further evidence or documentation or to request a reconsideration of an original application. All expenses incurred by the applicant are the obligation of the applicant. The commissioner shall provide a room for the personal hearing at no cost to the applicant. A request for a personal hearing to appeal a decision to deny assistance must be filed, in writing, with the commissioner within 60 days of the applicant's receipt of the denial letter.

Subp. 6. **Determination.** The commissioner shall issue a determination to grant or deny the assistance sought, based upon the application or upon additional information or extenuating circumstances presented during the review process, within seven working days of the review or personal hearing. All determinations of the commissioner are final.

Subp. 7. **Issuance of assistance.** If the commissioner determines that the issuance of assistance is appropriate, the assistance must be issued within 14 working days of the commissioner's decision. If the commissioner determines not to issue the requested assistance, the applicant must be informed of this determination in writing, stating the commissioner's reasons for this determination.

Subp. 8. **Failure to appeal.** Failure by the applicant to appeal a decision by the department not to grant assistance within the 60-day period allowed for appeals is a bar to further appeals.

Statutory Authority: *MS s 196.04; 197.608*

History: *16 SR 1709; 18 SR 273; 21 SR 460*

Published Electronically: *July 31, 2006*