



COMMISSIONER  
Jon Weizenbaum

## Memorandum

To: Community Services Regional Directors  
Community Services Program Managers

From: Lisa Akers-Owen  
Section Manager  
Community Services and Program Operations

Subject: Fair Hearing Requests After 90 Days

Issuance Date: December 16, 2013 CSPO 13-12-003

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This memorandum applies to the Community Based Alternatives (CBA) program, Community Care for Aged and Disabled (CCAD), In-Home and Family Support Program (IHFSP), and the Medically Dependent Children Program (MDCP).

Due to a recent question regarding time frames for requesting a fair hearing, guidance is being issued for when a fair hearing is requested after the 90 day time period.

Effective with this memorandum, DADS staff may not prevent an applicant or individual from filing an appeal because they believe the appeal was not requested within the required number of days. If a fair hearing request is received after 90 days from the date of the notice, the case manager must follow current procedures to file the appeal. The hearings office will make the decision regarding the individual's right to appeal.

The hearings officer is the final authority regarding the timeliness of appeal requests and accepts appeals filed after the time limit in order to determine whether there was good cause for the delay in filing.

If you have any questions regarding this memorandum, your regional representative may contact Ginny Grote at 512-438-4208.

LAO:cw