



TANF 1506-4

Board of Public Assistance Appeal and Judicial Review

Supersedes: TANF 1506-4 (1/1/07)

Reference: ARM 37.5.101, .103, .301, .304, .305, .307, .313, .316, .318, .322, .325, .328, .331, .334, .337, .503, .505; ARM 37.78.505; 42 CFR 431.200 through .246; 45 CFR 205.10

Overview: Any party to a fair hearing who does not agree with the hearing decision may appeal the decision. The appeal must be presented to the Board of Public Assistance, hereafter referred to as the Board.

If the party does not agree with the Board's final decision, they may seek judicial review of the decision.

The Department will be represented by an attorney from the Office of Legal Affairs for all Fair Hearing and Board appeals.

APPEAL REQUEST:

Both the client and the Department are given the opportunity to:

1. file exceptions;
2. present briefs; and
3. present oral arguments.

BOARD REVIEW:

The Board will render a decision after considering:

1. the Fair Hearings Officer's proposed decision;
2. exceptions filed;
3. briefs received;
4. oral arguments; and
5. the hearing record.

DECISION TIME FRAME:

The Board's decision must be made within 90 days from the original fair hearing request date.

BOARD DECISION NOTICE:

Notification of the Board's decision will be provided to:

1. the client;
2. the Department; and
3. any other interested party.

The client and any other party will also receive notification of the right to Judicial Review.

JUDICIAL REVIEW:

A party to an appeal who does not agree with the Board's final decision may seek judicial review. The party must file a petition in the district court within 30 days after receipt of the Board's final decision notice.

Effective Date: January 01, 2018