

Fair Hearing Procedures

Your hearing has been set for a reasonable time and date, either by telephone or at a specific location. If your hearing is scheduled by telephone, you are responsible for calling the toll-free number on the Notice of Hearing. If there is a good reason why you cannot participate on the scheduled day and time, you may ask in advance that the hearing be rescheduled. If you need a face-to-face hearing, call the Hearings Office as soon as possible.

Enclosed is Form H4806, Request for Another Appointment-Request to Withdraw. Use this form to ask for a different appointment or to withdraw your appeal request. If you need to reschedule the hearing appointment, you must explain the reason. (Example: personal or family illness). If the hearings officer grants your request to reschedule, you will be sent a new Notice of Hearing. Unless you receive notice of a new appointment, you are expected to participate as scheduled.

Your rights are the same for both telephone and face-to-face hearings. If you fail to keep the appointment for either type of hearing without contacting the hearings officer, your appeal will be dismissed. Your appeal will not be reopened unless you submit a written statement showing you failed to keep the appointment due to circumstances beyond your control.

If you need an interpreter for a language other than English, one will be provided. For the hearing impaired or for special accommodations, such as wheel chair access, please contact the Hearings Office at least five (5) days before your scheduled hearing.

You may present your own case, or you may bring a friend, relative or lawyer to present your case for you. If you bring a lawyer, the Health and Human Services Commission (HHSC) does not pay the fees.

Before and during the hearing, you and your representative have the right to examine your case file and the documents, records and evidence that HHSC will use. If you want to see the case file, please write to the hearings officer. You may request a pre hearing conference. You may call witnesses to the hearing and present facts and details about your case, and you have the right to question or disagree with any testimony or evidence against you.

During the hearing, the laws and policies that apply to your case and the reason for HHSC's action will be reviewed. You have the right to the same information the hearings officer will consider in making a decision about your appeal. If you want more information about the hearing proceedings or your rights, contact the Hearings Office.

If medical eligibility is the issue in your case, you may ask for another medical opinion. If the hearings officer determines that more medical examinations are necessary, HHSC will pay for them.

If you receive continued benefits while waiting for the hearing decision, you may have to repay the benefits, depending on the outcome of your appeal.

Federal tax information about you may be a basis for the issue on appeal. By requesting an appeal, you are agreeing that this information can be shared with the other participants in the hearing.

After receipt of the fair hearing decision, if you have new information that was not considered by the hearings officer, you may request to have your appeal reopened within 12 months of the decision date.

You may request an administrative review if you are not satisfied with the hearing decision. A request for an administrative review must be submitted in writing to the following address and postmarked within 30 days of the decision date.

Hearings Administrator
HHSC Appeals Division, Mail Code W-613
P.O. Box 149030
Austin, TX 78714-9030

If you are not satisfied with the outcome of the administrative review decision, you may file for judicial review in the district court of Travis County within 30 days from the date of the administrative review decision.