



# Appeal Hearings Information

We have set up a hearing for your appeal to the Minnesota Department of Human Services. See the hearing notice for the date, time and place. That notice also has the name and telephone number of the Human Services Judge (HSJ) who will hear your case.

## Here are some of the questions people often ask about the hearing:

### May I look at my case file before the hearing?

Yes. You have the right to look at your case file and any other papers the state or county agency whose decision you are appealing will use at the hearing. In fact, it's a good idea to look at your file ahead of time. You have a right to free copies of any papers related to your hearing. Call the agency to set up an appointment if you want to see your file. If you have trouble getting this information, you can call or write the HSJ assigned to your case. The agency cannot use information at the hearing if they did not give you a chance to see it first.

### What if I need an interpreter or similar help at the hearing?

If you need an interpreter to be at the hearing, call or write the HSJ as soon as possible. Tell the HSJ what help you need. The HSJ will make sure that an interpreter is at the hearing. These services are available to you at no charge.

### What is a hearing like?

A hearing is informal, but you must come prepared. The HSJ runs the hearing. The agency and you take turns giving evidence and asking questions. If you are unsure about what to do, ask the HSJ.

### How does the hearing start?

The HSJ will turn on the recording device and explain how the hearing will be run. The HSJ will write down the names of the people at the hearing. The HSJ also will ask that all people take an oath to tell the truth.

### What if I am scheduled for a telephone hearing and I want the hearing to be in person or by videoconference?

Most hearings are held by telephone, but you have the right to a hearing where you can see the HSJ in certain circumstances. Those hearings may be conducted either in person or by videoconference. Usually, an in-person hearing will only be held if you or a witness has a physical or mental disability that would impair

your ability to fully participate in a hearing held by videoconference or if the HSJ thinks it is necessary to hold the hearing in person. If you want to see the HSJ at your hearing, call the HSJ and explain why you want an in-person or videoconference hearing. Your hearing may have to be rescheduled for a different day and time if the way the hearing is held is changed.

### May I bring a lawyer to the hearing?

Yes. You may have a lawyer come with you to the hearing if you choose. The state or county will not get a lawyer for you or pay for one. Call Legal Aid if you want free legal help. See the list of Legal Aid offices with their telephone numbers on the back page.

### May I bring someone to the hearing with me?

Yes. You may bring a friend or relative or anyone else with you to the hearing. That person may help you ask questions or explain your case to the HSJ.

### Can I bring my children to the hearing?

No, it is not a good idea to bring them with you unless they are going to take part in the hearing. For most appeals the agency will pay for child care while you are at your hearing. Ask the agency.

### How do I give evidence?

You must back up your side of the case with evidence. This means you must provide all the papers you want the HSJ to see. Send copies to both the agency and the HSJ. Tell the HSJ what you think the facts are. If you have any witnesses who know about your case, ask them to come to the hearing.

### What if the witnesses won't come?

If you need a witness to come to the hearing or to hand over evidence to be used at the hearing, ask the witness to come or to give you what you need. Usually, a witness will come if you ask. If the witness says no, contact the HSJ and ask for a subpoena. A subpoena is a legal order making someone come to the hearing and to bring specific evidence that a person may have. It is your responsibility to serve the witness with a subpoena according to the legal rules.

## **Who goes first?**

If the agency comes to the hearing, the HSJ will ask the agency representative to start first. The agency will tell the HSJ its view of the facts. The agency representative will also explain reasons for handling your case the way the agency did. The agency representative will explain the laws and policies that were used in your case.

## **May I ask the agency representative questions at the hearing?**

You may ask the agency representative questions after the representative is done speaking. You may question each of the agency's witnesses. You may look at all of the papers the representative shows the HSJ and ask questions about them. The HSJ may also ask questions.

## **What do I do when it's my turn?**

Give the HSJ all your evidence. Tell the HSJ why you disagree with the agency. Explain to the HSJ what you think should happen in your case. The HSJ will ask your witnesses to give information as well. The agency representative may see all your papers and may ask you and your witnesses questions.

## **What if I can't come to the hearing?**

If you cannot come to the hearing you must call the HSJ right away to reschedule. The HSJ's telephone number is on the hearing notice. You must have a good reason for not coming. **If you do not have a good reason and do not call the HSJ, your case will be dismissed and you will lose your chance to appeal.** If you cannot call the HSJ, you must put your reasons in writing and mail them to the HSJ as soon as possible before your hearing date.

## **What if I miss a hearing?**

If you miss a hearing, you normally lose your appeal. If you know that you are not going to be able to attend the hearing, call the HSJ before the hearing and ask to have the hearing rescheduled. If you miss a hearing without rescheduling it, you must write the HSJ if you want the hearing reopened (for Supplemental Nutrition Assistance Program (SNAP) appeals you may call the HSJ). The HSJ must receive your request within 10 days after the date the appeal was dismissed. The HSJ will reopen a hearing only if you show that you had a good reason for missing a scheduled hearing.

## **Will the agency pay for the costs I have because of my appeal?**

Yes, in some cases. You may ask the agency to pay for reasonable costs you have because of your appeal. For

most appeals the agency will pay for gas to get you and your witnesses to the hearing, child care, photocopies, a medical assessment or other reasonable costs.

## **Is the hearing public?**

No. The hearing is private. Only the people from the agency and state may come to the hearing or listen to the recording without your permission.

## **May I talk to the HSJ privately without the agency being there?**

You may talk to the HSJ about the procedures, such as asking the HSJ to reschedule a hearing or asking questions about a notice. You may also talk to the HSJ if you have trouble getting a copy of the papers related to your hearing, getting access to your case file, or getting subpoenas if you have not been able to get these documents from the agency. But you may not talk or write to the HSJ privately about the facts of your case. Neither side can. The HSJ must hear both sides of a case to decide fairly.

## **May I file a new application while my appeal is going?**

Yes, you may file an application at any time. If your situation changes during an appeal, tell the agency and ask to reapply right away. Sometimes this may make an overpayment smaller or help you get more benefits. You might be eligible now, even if the HSJ decides that the agency was right in the decision being appealed.

## **Will the HSJ make a decision at the hearing?**

No. The HSJ will write a recommendation to the chief HSJ. The state's chief HSJ will make the final decision. It takes time, up to 60 days from the date you appeal a SNAP decision or 90 days for all other appeals.

## **What if I disagree with the state's decision about my appeal?**

If you disagree with the state's chief HSJ's decision, you may appeal to the state district court in your county. So may the agency. Any appeal must be filed within 30 days of the date of the state decision. The state law that describes your right to appeal to district court is Minnesota Statutes, section 256.045, subdivision 7. You should ask Legal Aid or another attorney about what court procedures to use. Before appealing to district court, you may ask the state to reconsider its decision. This request should be in writing and sent to the address on the next page. You have 30 days to ask for reconsideration. If your timely request for reconsideration is denied, you then have 30 days to appeal to district court.

## What if I have questions about my appeal rights?

Talk with your worker. Your worker will be able to answer most of your questions, but cannot give you legal help. For legal help, call an attorney or Legal Aid. See the list of Legal Aid offices below.

You may also call or write the Appeals Office. The address and telephone number of the state appeals office is:

Minnesota Department of Human Services  
Appeals Office  
P.O. Box 64941  
St. Paul, MN 55164-0941  
Metro: 651-431-3600 (voice)  
Greater Minnesota: 800-657-3510  
TTY: 800-627-3529  
Fax: 651-431-7523

## Legal Services Offices

Albert Lea .....	507-377-2831	Minneapolis .....	612-334-5970
	800-223-0280	TTY.....	612-332-4668
Alexandria .....	320-762-0663	Moorhead .....	218-233-8585
	800-450-2552		800-450-8585
Anoka County Judicare .....	763-783-4970	Pine City.....	800-382-7166
		Voice/TTY .....	320-629-7166
Bemidji .....	218-751-9201	St. Cloud.....	320-253-0121
	800-450-9201	Voice/TTY .....	888-360-2889
Brainerd .....	218-829-1701	St. Paul.....	651-222-4731
	800-933-1112	TTY.....	651-222-4731
Cambridge .....	763-689-2849	St. Paul Migrant Legal Services.....	651-291-2837
	800-622-7772		800-652-9733
Cass Lake .....	218-335-2223	Virginia .....	800-886-3270
	800-422-1335	TTY.....	218-749-3270
Duluth .....	218-623-8100	Willmar.....	320-235-9600
	855-204-1697		888-360-3666
Fargo Migrant Legal Services.....	701-232-8872	Winona (Voice/TTY).....	507-454-6660
	800-832-5575		800-372-8168
Grand Rapids .....	800-708-6695	Worthington .....	507-372-7368
TTY.....	218-326-6695		800-233-0023
Mankato.....	507-387-5588		
	800-247-2299		

Attention. If you need free help interpreting this document, ask your worker or call the number below for your language.

ملاحظة: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اطلب ذلك من مشرفك أو اتصل على الرقم 1-800-358-0377.

កំណត់សំគាល់ ។ បើអ្នកត្រូវការជំនួយក្នុងការបកប្រែឯកសារនេះដោយឥតគិតថ្លៃ សូមសួរអ្នកកាន់សំណុំរឿង របស់អ្នក ឬហៅទូរស័ព្ទមកលេខ 1-888-468-3787 ។

Pažnja. Ako vam treba besplatna pomoć za tumačenje ovog dokumenta, pitajte vašeg radnika ili nazovite 1-888-234-3785.

Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntawv no pub dawb, ces nug koj tus neeg lis dej num los sis hu rau 1-888-486-8377.

ໂປຣດຊາບ. ຖ້າຫາກ ທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປເອກະສານນີ້ຟຣີ, ຈົ່ງຖາມພະນັກງານກຳກັບການຊ່ວຍເຫຼືອຂອງທ່ານ ຫຼື ໂທໂປຣໄປທີ່ 1-888-487-8251.

Hubachiisa. Dokumentiin kun bilisa akka siif hiikamu gargaarsa hoo feete, hojjettoota kee gaafadhu ykn afaan ati dubbattuuf bilbilli 1-888-234-3798.

Внимание: если вам нужна бесплатная помощь в устном переводе данного документа, обратитесь к своему социальному работнику или позвоните по телефону 1-888-562-5877.

Digniin. Haddii aad u baahantahay caawimaad lacag-la'aan ah ee tarjumaadda qoraalkan, hawlwadeenkaaga weydiiso ama wac lambarka 1-888-547-8829.

Atención. Si desea recibir asistencia gratuita para interpretar este documento, comuníquese con su trabajador o llame al 1-888-428-3438.

Chú ý. Nếu quý vị cần được giúp đỡ dịch tài liệu này miễn phí, xin gọi nhân viên xã hội của quý vị hoặc gọi số 1-888-554-8759.

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**This information is available in accessible formats for individuals with disabilities by calling 651-431-3600, toll-free 800-657-3510, or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.**