

# Know Your Welfare Rights!

## APPEALING DECISIONS



An information series prepared by Legal Services of

New Jersey

### *If the welfare office does something that you think is wrong,* **YOU CAN CHALLENGE THE DECISION.**

If the welfare office makes a decision about your benefits that you think is wrong, you can do something about it. What the caseworker says does not have to be the last word.

#### **What can I do to solve a problem?**

- **Talk to the supervisor.** If you can't work out the problem with your caseworker, ask to speak with the supervisor. Explain why you think that they made a mistake. Sometimes the supervisor can look into the case to see if the problem can be fixed.
- **Ask for a *fair hearing*.** If you are not happy with the welfare office's decision, you can challenge it by asking for a *fair hearing*. You have the right to a fair hearing even if your caseworker tells you that it won't change the decision.
- **Get someone to help you.** You can contact your local Legal Services office for free legal assistance. The name, address, and telephone number for the Legal Services office will be on the notice that you get from the welfare office. You can also call the LSNJ Hotline at 1-888-LSNJ-LAW (1-888-576-5529) to get additional information about your rights.

#### **How do I get a fair hearing?**

You can ask for a fair hearing by doing any of the following things:

- **Put it in writing.** Even if you go to the agency office to ask for a hearing, you should still put your request **in writing**. Keep a copy for yourself, and get a receipt. That way, you will have *proof* that you asked for the hearing.
- **Call the welfare office.** Speak with the *fair hearing liaison* (or with the welfare director if it is a small office). Tell him or her that you want a hearing. Make sure you get the name of the person you speak with, and write it down. Ask the person to send you a letter confirming that you asked for the hearing.
- **Call the State Fair Hearings Hotline at 1-800-792-9773.**

#### **How long do I have for a fair hearing?**

- **15 days** from the date of the welfare office's written notice, **if you want to keep your benefits the same while you wait for a hearing.** Make sure that you say that you want your benefits to continue, when you ask for the hearing. (If you lose your appeal you will have to pay the extra benefits back to the welfare office, and the welfare office will take a little bit out of your future benefits each month until this is paid back.)
- **15 days for WFNJ/GA benefits** (cash benefits for households without children). You also have 15 days to ask for a state fair hearing if you have a *local hearing* first and if you disagree with the local hearing decision.
- **15 days for Emergency Assistance/EA** (cash assistance for housing or utilities, or shelter assistance).

- **90 days for food stamps and/or TANF benefits** (money for households with children). (But you must ask for the hearing within **15 days if you want to keep your benefits the same while you wait for a hearing.**)

### **KNOW YOUR RIGHTS WHEN YOU ASK FOR A FAIR HEARING:**

- You have the right to **look at your case file** before the hearing. The welfare office must show you everything that they will show the judge at the hearing. You can look at the file before the day of the hearing, and you can look at the file on the day of the hearing.
- You have the right to **bring someone with you to the hearing to help** you explain your case. You may bring a lawyer. You may also bring a friend, relative, or someone else that you want to help you tell the judge why you are challenging the welfare office's decision.
- You have the right to **an interpreter** at the hearing. Contact the welfare office's fair hearing liaison or the local welfare director and tell them you need an interpreter.
- You have the right to **transportation assistance** if you need help to get to the hearing. Contact the fair hearing liaison or the local welfare director and tell them you need transportation assistance.

**IF YOU HAVE QUESTIONS ABOUT FAIR HEARINGS, HERE ARE PLACES  
YOU MAY CALL FOR ANSWERS**

- Call your local Legal Services office. The name, address, and telephone number will be on the notice that you get from the welfare office. You can also find the number in the telephone book.
- Call Legal Services of New Jersey's statewide, toll-free legal hotline, at **1-888-LSNJ-LAW (1-888-576-5529)**.
- Call the Division of Family Development Fair Hearing Information Hotline at **1-800-792-9773**.

### **SAMPLE REQUEST FOR A FAIR HEARING**

Request for a Fair Hearing

Case No. \_\_\_\_\_

I want a fair hearing because

\_\_\_\_\_

\_\_\_\_\_

I wish to continue receiving benefits until a hearing is held (if applicable).

I do not wish to continue receiving benefits until a hearing is held.

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Signature \_\_\_\_\_

**1-888-LSNJ-LAW**  
**(1-888-576-5529)**