

Utah SUN Bucks (SUMMER EBT PROGRAM)

Policy

The State Agency/ITO shall provide a hearing procedure for families and Summer EBT agencies.

Purpose

Outline conditions and procedures for a Fair Hearing.

Reference

7 CFR 292.26, 210, 220, 225, and 292 EBT agencies

Procedures

Fair Hearing procedures must:

Allow a household to appeal, within 90 days after the end of the summer operational period, a decision made concerning:

- An application the household has made for Summer EBT benefits
- A streamlined certification for Summer EBT benefits
- A verification process or procedure
- Any adverse action taken against the household by the Summer EBT agency

Require the State or ITO to provide a household with back-benefits for Summer EBT if the fair hearing determines that the Summer EBT agency erroneously failed to issue such benefits in the correct amount to an eligible family, an administrative disqualification for intentional Program violation was subsequently reversed, or if there is a statement elsewhere in this part specifically stating that the household is entitled to restoration of lost benefits.

In response to an appeal, the Summer SEBT agency may defend its initial decision to deny the eligibility of the child for Summer EBT benefits or take an adverse action against a household. The fair hearing procedure must provide for both the household and the Summer EBT agency:

A fair hearing will be accepted in either an oral or written request made available through a simple, publicly announced method;

May be represented by an attorney or other person;

Before the fair hearing, an opportunity will be given to examine any documents or records presented to support;

The hearing will be held with reasonable promptness and convenience, and adequate notice given as to the time and place of the fair hearing must be available for examination. Such time limits must not be less than 30 days from the date the agency mails or otherwise issues the notice of adverse action;

An opportunity will be given to present oral or documentary evidence and arguments supporting a position without undue interference;

An opportunity will be given to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;

The hearing will be conducted, and the decision made by a hearing official who did not participate in making the decision under appeal or any previously held conference.

The decision of the hearing official will be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record;

The parties concerned and any designated representative must be notified in writing of the decision of the hearing official.

A written record concerning each hearing must include the challenge or decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing official, the hearing official's decision, including the reasons therefor, and a copy of the notification to the parties concerned of the decision of the hearing official; and

The written record of each hearing must be preserved for a period of 3 years and be available for examination by the parties concerned or their representatives and made available upon receiving a written request;

A household may request a conference to provide the opportunity to discuss a specific situation, present information, and obtain an explanation of the data submitted in the application or the decision rendered. The request may not prejudice or diminish the right to a fair hearing. Summer EBT will schedule the fair hearing within 14 days of request.

Fair hearings communications with households will be in an understandable and uniform format and, to the extent possible, in a language that parents and guardians can understand.

Special Considerations

Children have until the last day of the summer operational period to apply for benefits using a Summer EBT application. Benefits must be expunged 122 days after issuance, so some benefits will be spent after the end of the summer operational period.

Utah SUN Bucks households are allowed to appeal within 90 days after the end of the summer operational period.