



Public Benefits: Tips for Navigating the DHS Appeal Process

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Sometimes, the Illinois Department of Human Services (DHS) denies or reduces benefits by mistake. Here's how you can use the DHS appeal process to help make sure your case is processed correctly:

How to File an Appeal

- You can appeal any decision or inaction of DHS. This is especially useful for application denials, decreasing benefits, and benefit terminations. Even when your application was denied because of a missed interview or failure to provide proof of information, you should appeal the denial.
- There is a limited time period to file an appeal. For SNAP (food stamps), an appeal is timely if filed within 90 days of the decision you are appealing (the "Date of Notice"). For cash or medical, the time limit is 60 days. If you are appealing a failure to act, there is no time limit.
- One way to file an appeal is by phone. To do so, you can call the Bureau of Assistance Hearings (BAH) at 312-793-2618 or 800-435-0774 between 8:30 am and 5:00 pm. Sometimes you may have to wait five minutes or more before someone answers the phone, and even then you may be asked to hold. If possible, try to have your DHS case ID number on hand. Also, be sure to ask for the appeal registration number. Keep track of the date you file your appeal.
- You can also file a paper appeal, either by filling out DHS' appeal form or by writing a statement that you would like to file an appeal. You can hand in a paper appeal in person, by mail, or by fax. If you choose to file the appeal in person at your local DHS office, ask for a stamped (and dated) copy of the document you give them. If by mail (to your local office), try to send it certified and keep a copy for yourself. If by fax (to BAH at 312-793-3387 or to your local office), save a copy of the fax confirmation page.
- The advantage of filing an appeal with your local office is that your caseworker's supervisor will know about the appeal sooner.
- If you appeal a decrease or termination of benefits before the "Date of Change" or within 10 days of the Date of Notice, you can request continuing benefits. (This does not apply to Redetermination applications.) The DHS appeal form has a checkbox for continuing benefits, but you will have to specifically ask for them if you appeal by phone or written statement. If you file your appeal with BAH, you should also tell your local office that you want continuing benefits. Beware that if you lose your appeal you will be responsible for paying back any food or cash benefits you weren't supposed to receive.

The Pre-Hearing Meeting

- After your appeal is registered, DHS should send you a hearing notice in the mail. For SNAP appeals, hearings are usually scheduled about one month after the appeal was filed. Cash and medical hearings may be up to two or three months later.

- If you do not want to wait that long, you can use a tool called the pre-hearing meeting to try to fix the problem sooner. DHS is supposed to set up a pre-hearing meeting between you and your caseworker's supervisor within 10 days of the appeal registration date (or 2 days for expedited SNAP cases). If DHS does not schedule a pre-hearing meeting for you, you can still get one. The best way to do so is to either call or go into your local office 10 days after you filed your appeal and ask for it.
- The pre-hearing meeting may be conducted by phone or in person.
- When you request a pre-hearing meeting, be sure to have the attached policy sheet with you. Use the rule PM 01-07-07 to prove your right to the meeting. If a DHS staff member tries to turn you away or schedule a meeting for a later date, politely refuse the offer. Tell the worker that 10 days have already passed since you filed an appeal, so you have the right to a meeting that day.
- Once you are seated with the caseworker and supervisor (or have them on the phone), ask why they took the action you are challenging (or why they failed to act). If they are missing any documents from you or if you have any new information they should know, you should give it to them as soon as possible. If you have the pre-hearing meeting in person, come with all the documents DHS originally asked for in hand.
- If the supervisor tells you that it's too late to hand in new documents, use the rule PM 01-07-08 to prove your right to hand them in. If they accept your documents or reschedule your missed interview but only promise to give you benefits from the date you hand in the documents or go to the new interview, use the same rule to demand benefits back to the date of your original application.
- In other words, do not allow DHS to give you benefits moving forward unless they also give you any missing back benefits. If you are appealing an application denial, you should receive benefits from your original date of application. If you are appealing a decrease or termination of benefits, you should receive benefits from the original Date of Change (when your benefits were stopped or reduced). This right to back benefits comes from PM 01-07-08 and WAG 01-07-08. It does not apply to Redetermination applications.
- If DHS accepts your argument and agrees to give you the benefits you seek, they may ask you to sign a Request to Withdraw Appeal form. Do not sign this form unless DHS puts in writing that you will receive benefits from the original application date or Date of Change. You also should ask for a copy of the Request to Withdraw Appeal form after both you and DHS have signed it.
- If you are refused your pre-hearing or if your problem is not fixed, do not withdraw your appeal. Instead, wait for your hearing date to present your argument again.

If you would like assistance with your appeal hearing and do not already have someone who can help you, you are welcome to call Legal Assistance Foundation at 312-341-1070.