Appeal and Fair Administrative Hearing Procedures

All Fuel Assistance Program (FAP) applicants who question their denial or the benefits provided are entitled to appeal the decision, which may include a Fair Administrative Hearing. Below is information regarding the appeal and hearing process.

Any applicant has the right to appeal within 30 days of receiving the benefit determination letter for any of the following reasons:

- Applicant believes application was wrongly denied
- Applicant disagrees with the amount of the benefit awarded
- Applicant believes application was not processed within 60 days of application date

(1) To appeal, the applicant should first contact the Community Action agency that processed the application. The FAP director will conduct a review and meet with the applicant via phone or virtual meeting or in person within 10 days of the applicant's request. At the meeting, the applicant will have an opportunity to express any concerns and the FAP Director will have an opportunity to attempt to resolve the dispute.

(2) If the applicant is not satisfied with the outcome of this meeting, they will be referred to the NH Department of Energy (NH DOE) for a second review. The NH FAP Administrator will conduct a second review and meet with the applicant via phone or virtual meeting or in person within 10 days of the applicant's request.

(3) If the applicant is not satisfied with the outcome after the two stages of the appeal above, the applicant may request in writing a Fair Administrative Hearing within 30 days of the conversation with the NH FAP Administrator. The hearing will be scheduled within 20 days of the written request and will meet the following standards:

All hearings shall be held in a location reasonably convenient to the applicant. The hearing officer shall be a NH DOE employee who was not involved in rendering the challenged action or decision. The hearing officer shall review the applicant file prior to the hearing, including:

- FAP application, including supporting household and income documentation
- Written notification to the applicant of denial or other contested decision
- Notes and/or documentation containing information relied upon by FAP staff when making the decision to deny benefits or take the contested action

Applicants have the right to review all documentation prior to the hearing, including the FAP Policy and Procedures Manual. Applicants can bring a representative to the hearing if they wish at their expense. Applicants can request an interpreter to be provided and funded by the NH DOE. At the hearing, applicants may present oral testimony, a written statement, or other evidence and have the right to present witnesses and cross-examine witnesses.

The hearing will be recorded and the decision based on the record and any relevant evidence and information introduced during the hearing. A written decision will be issued by the NH DOE within 10 business days of the hearing.

Appeal Procedures Electric Assistance Program

Any applicant/participant who has a grievance concerning denial of benefits, removal from the Electric Assistance Program (EAP) or placement on the waiting list may file an appeal of the decision.

When an applicant or participant is denied benefits, removed from the program, or placed on a waiting list, the CAA shall provide written notice of the decision to the EAP applicant or participant. This notice will also include written information about the EAP Appeals Procedures including the following information:

- A brief statement of the reason(s) for denial of benefits, removal from the program, or placement on the waiting list;
- A statement of the right to appeal the decision; and
- A brief explanation of the EAP Appeal Procedure including all necessary information needed to file the appeal, including that a discussion with the CAA EAP Director is required.

Any applicant has the right to appeal within thirty (30) days of receiving the benefit determination letter.

Upon notification that an appeal is in process, the CAA EAP Director shall not remove the participant from the program (unless the participant has ***already been removed*** and the appeal is relative to that action).

(1) To appeal, the applicant should first contact the Community Action agency that processed the application. The EAP director will conduct a review and meet with the applicant via phone or virtual meeting or in person within 10 days of the applicant's request. At the meeting, the applicant will have an opportunity to express any concerns, and the EAP Director will have an opportunity to attempt to resolve the dispute.

(2) If the applicant is not satisfied with the outcome of this meeting, they will be referred to the NH Department of Energy (NH DOE) for a second review. The NH EAP Administrator will conduct a second review and meet with the applicant via phone or virtual meeting or in person within 10 days of the applicant's request.

(3) If the applicant is not satisfied with the outcome after the two stages of the appeal above, the applicant may request in writing a Fair Administrative Hearing within 30 days of the conversation with the NH EAP Administrator. The hearing will be scheduled within 20 days of the written request and will meet the following standards:

All hearings shall be held in a location reasonably convenient to the applicant. The hearing officer shall be an NH DOE employee who was not involved in rendering the challenged action or decision. The hearing officer shall review the applicant file prior to the hearing, including:

- EAP application, including supporting household and income documentation
- Written notification to the applicant of denial, removal, wait list, or other contested decision
- Notes and/or documentation containing information relied upon by EAP staff when making the decision to deny benefits or take the contested action

Applicants have the right to review all documentation prior to the hearing, including the EAP Manual. Applicants can bring a representative to the hearing if they wish at their expense. Applicants can request an interpreter to be provided and funded by the NH DOE. At the hearing, applicants may present oral testimony, a written statement, or other evidence and have the right to present witnesses and cross-examine witnesses.

The hearing will be recorded and the decision based on the record and any relevant evidence and information introduced during the hearing. A written decision will be issued by the NH DOE within 10 business days of the hearing.