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Social Services Program Appeal Procedure

An applicant who is denied services or benefits, or a client who has their services or benefits terminated or reduced has the right to appeal the denial, reduction, or termination of benefits by following this procedure. Failure to follow the procedure shall be sufficient grounds for an appeal to be denied.

Appeal to Department Director

An applicant or client has thirty (30) days from the date of receipt of a written decision by Social Services program staff to submit an appeal to the Social Services Department Director. The appeal must be in writing to the Department Director, delivered by electronic mail, US mail, or in person by hand. Any decision not appealed within 30 days shall be final.

Upon receipt of an appeal, the Social Services Department Director may designate another qualified STA employee with no involvement in the original decision to address the appeal if he/she/they is unavailable or has a conflict of interest.

The Department Director or his/her/their designee shall schedule a hearing with the client to review the decision within ten (10) business days of receipt of the written appeal. The applicant shall be provided with a written notice of the hearing, which shall include:

- the date, time and location of the hearing, which may be held in person or virtually by videoconference unless the applicant/client objects to a virtual hearing;
- statement of the facts and issues giving rise to the appeal;
- statement that the applicant has the right to give oral and/or written evidence during the appeal and to confront and cross-examine any witnesses at the hearing;
- notice that the applicant or client has a right to one continuance, of not more than 10 days, with respect to the date of the hearing;
- notice that the applicant or client may, in reasonable time before the hearing, copy or examine all information in their file related to the proposed action being contested.

Failure of the applicant or client to respond to the notice of hearing, or failure to appear at the hearing or request a continuance, shall be sufficient grounds to deny the appeal.

The hearing shall be informal, orderly, and recorded. The applicant or client may have an advocate or legal representative in attendance at the hearing at their own expense. A copy of the transcript of the hearing will be provided to the applicant or recipient upon request within five (5) business days.

The Department Director or his/her their designee shall review information presented at the hearing, the program regulations, policies, procedures, and information in the applicant or client's file in considering the appeal. The Department Director or his/her/their designee shall make a decision on the appeal within ten (10) business days following the hearing, or within ten (10) business days after the client has not responded to a request to schedule a meeting or failed to appear for a scheduled hearing. The decision shall be in writing, shall state the evidence considered and the reasons for the decision, and shall be delivered to the applicant in person, by certified mail with return receipt, or by electronic mail.

Appeal to the Chief Executive Officer

An applicant or client has ten (10) business days from the date of receipt of a decision by the Social Services Department Director or his/her/their designee to appeal to the Tribe's Chief Executive Officer. Grounds of appeal shall be limited to the following:

- Failure by the Social Services Department Director or his/her/their designee to follow the Appeals Procedure.
- Conflict of Interest or other violation of STA Code of Conduct on the part of the Social Services Department Director or his/her/their designee related to the decision.

The appeal must be in writing to the Chief Executive Officer, delivered by electronic mail, US mail, or in person by hand. The Chief Executive Officer may designate another qualified STA employee with no prior involvement in the case to address the appeal if he/she/they is unavailable or has a conflict of interest.

The Chief Executive Officer or his/her/their designee shall review the decision issued by the Social Services Department Director or his/her/their designee and all documentation related to the decision in the applicant or client's file, including the transcript of the hearing, and shall make a decision within ten (10) business days of receipt of the appeal. The decision of the Chief Executive Officer or his/her/their designee shall be final and not subject to further appeal.