

**Office of Developmental
Disability Services
Administrative Hearing Request**



If you want an administrative hearing to contest an action related to developmental disability services, you can fill out this form and mail or fax it to the address under Part 2 on page 2. If you prefer, a DHS employee or an employee at your Community Development Disabilities Program or Support Services Brokerage can fill out this form for you. Please contact your local office if you need this form in another language or an alternate format.

Claimant or claimant's representative completes this part

Name of claimant:		Date of birth:	
Full address:		Phone:	
Name of representative:		Relationship to claimant:	
Representative's address:		Phone:	
Does the claimant speak English? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If no, what is the claimant's primary spoken language: _____			
Does the claimant need written materials in an alternate format? <input type="checkbox"/> Yes (specify below) <input type="checkbox"/> No			
<input type="checkbox"/> Braille <input type="checkbox"/> Audio tape <input type="checkbox"/> Large print <input type="checkbox"/> Diskette <input type="checkbox"/> Oral presentation			
<input type="checkbox"/> Other / Written materials in another language: _____			
I received a written notice: <input type="checkbox"/> Yes <input type="checkbox"/> No Notifying agency or CDDP: _____			
Date of notice: _____		Service(s) involved: _____	
I am asking for a hearing because I do not agree with the decision to:			
<input type="checkbox"/> Deny services <input type="checkbox"/> Terminate services <input type="checkbox"/> Reduce services <input type="checkbox"/> Suspend services <input type="checkbox"/> Other: _____			
Briefly explain why you disagree with the decision (<i>attach additional sheets as needed</i>): _____			
Before you answer this question, please read "Part 4" on page 3.			
Do you want your services to stay the same (<i>not reduced or stopped</i>) while you wait for a hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Before you answer this question, please read "Part 5" on page 3.			
Check this box if you meet the requirements in part 5 and want to request an expedited hearing: <input type="checkbox"/>			

Claimant's signature

The administrative law judge may conduct a hearing by phone. In a telephone hearing, the administrative law judge participates by phone. The claimant may be at the Developmental Disability office or another place. By signing below, I understand that I will be asked to have an informal conference with an agency representative.

Signature of claimant: _____ Date: _____

Department of Human Services (DHS) completes this part

Date of decision notice:	Date of initial hearing request:	Date 0443DD rec'd by DHS:
Case number (<i>prime number or DD followed by last 4 digits of SSN</i>): _____		
DHS representative for this matter:	Phone:	
Issue code:	Date:	

Part 1: Right to a hearing — What is an administrative hearing?

- You have the right to request a hearing using this form if you disagree with a decision about your developmental disability services. The hearing is an opportunity to tell a neutral party why you do not agree with DHS's decision. You can ask another person to represent you and you can have other people testify for you at the hearing.
- Hearings are held by an Administrative Law Judge and the Office of Administrative Hearings, which is an independent agency and is not part of the Department of Human Services (DHS) or the Oregon Health Authority (OHA).
- DHS does not discriminate against anyone. This means DHS helps all who qualify. DHS does not deny help based on age, race, color, national origin, sex, sexual orientation, religion, political beliefs or disability. You can file a complaint if you think DHS discriminated against you.
- You can talk with a manager or ask for a meeting to discuss the decision about your services by contacting your local CDDP or support service brokerage. This will not affect your right to a hearing or your deadline to request a hearing.
- If you have unanswered questions, you may call the Governor's Advocacy Office at 1-800-442-5238.

Part 2: Hearing request — How do I request a hearing and what is the deadline?

- **There are 3 ways to request a hearing:**
 1. Complete page 1 of this form and **mail this form to: Office of Developmental Disability Services (ODDS), Attn: DD Administrative Specialist, 500 Summer St NE, E-09, Salem OR 97301;** or
 2. Complete page 1 of this form and **fax the form to 503-373-7274;** or
 3. **Make a verbal request** for a hearing by speaking directly with your local CDDP office or support service brokerage, your caseworker, or a DHS or ODDS employee. The employee will fill out this form for you and send it to ODDS.
- **What is the deadline to submit this form?** In most cases, DHS must receive your request **within 90 days from the date of notice on the Notification of Planned Action.** You may still request a hearing after 90 days; the Department will process and grant the request as outlined in OAR 411-001-0520.

Part 3: Hearing rights — Where do I find more information?

- **Where do I find the laws about hearings and the hearing process?** Laws about hearings and the hearing process are in ORS 183.411 to ORS 183.470, ORS 411.095, OAR 137-003-0501 through 137-003-0700, OAR 411-318-0000 through OAR 411-318-0030, OAR 461-025-0300 through 461-025-0375, and OAR 461-025-0300.
- **Who can help me at the hearing?** You may be represented at the hearing by a lawyer or any adult, including a family member or another layperson. You may be able to receive advice and possible legal representation by calling the Public Benefits Hotline (1-800-520-5292), Disability Rights Oregon (1-800-452-1694), and the Oregon State Bar (1-800-452-8260).
- **Note to military personnel:** Active duty service members have a right to stay (delay) hearing proceedings under the federal Service Members Civil Relief Act. For more information, contact the Oregon State Bar (1-800-452-8260) or the Oregon Military Department (1-800-452-7500), or find the nearest military legal assistance office here: <http://legalassistance.law.af.mil/content/locator.php>.

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- **What happens after I request a hearing?** If you request a hearing, a hearing representative from DHS will contact you to schedule an informal conference with ODDS.
 - **What happens if there is no hearing?** You may lose your right to a hearing if you do not ask for a hearing on time, if you withdraw your hearing request, or if you do not appear at your hearing. If a hearing is not held, the Notification of Planned Action will become DHS's final decision (*called a Final Order by Default*). You will not receive a separate Final Order by Default. DHS refers to the case file, along with any materials submitted in this matter, as "the record." DHS uses the record to support the Final Order by Default.
 - **ORS 183.480** allows you to appeal the Final Order by filing a petition in the Oregon Court of Appeals. You must file an appeal within 60 days of the Final Order.

Part 4: Continuing services — How can I keep getting benefits until my hearing?

- You may ask for your services to stay the same until the date of the hearing decision (*"continuing services"*). You may request continuing services on page 1 of this form, or by telling your CDDP, support services brokerage, or DHS.
- If you receive continuing services after the effective date of planned action and then lose the hearing, **you may be required to pay for the services you receive between the effective date of planned action and the hearing decision.**
- To receive continuing services, **DHS must receive your written or verbal request for a hearing by the "effective date of planned action" on the Notification.** If your services are terminated, you may **have services reinstated if DHS receives the request within 10 business days of the effective date of planned action on the Notification of Planned Action.** If you miss these deadlines, you may still request continuing services. Submit your request and DHS will determine if there is good cause for the late request.
- If you decide to stop your services and you prevail (*win*) at the hearing, DHS will resume your services with the CDDP or support service brokerage.

Part 5: Expedited hearings — Can I have my hearing within five working days?

- You may have the right to an "expedited hearing" (*within five (5) working days*), if you are denied a medical service that creates an immediate, serious threat to your life or health, or if DHS denied your request for continuing services (*part 4*). Expedited hearing requests are processed according to ORS 411.095(4), OAR 411-318-0025(3), OAR 410-120-1860(5), and OAR 410-200-0145(11).
- You must request an expedited hearing on page 1 of this form, or by specifically telling a CDDP, support services brokerage, or DHS employee that you need an expedited hearing because you will be denied a service that creates an immediate, serious threat to your life or health.