**Section 100.90 Dispute Procedures**

Applicants shall be provided with an opportunity for a fair administrative hearing when claims for energy assistance are denied or are not acted upon within prescribed timelines (see Section 100.250(d)), or if the applicant disputes the amount or type of assistance granted. LAAs shall inform each applicant of their right to the appeals process. The hearing and appeals process includes three levels of appeal: the informal conference, the state review, and the formal hearing.

a) The Informal Conference

1) This process consists of an initial informal conference held by a staff hearing officer of the LAA at which the applicant applied. This informal conference is designed to ensure that the applicant understands the reason(s) for the action taken by the LAA and to ensure that the application was processed in accordance with Section 100.250.

2) Any applicant receiving or denied energy assistance has a right to request an informal conference within thirty (30) days of receipt of a notice of a decision on the applicant's application.

3) Any applicant who has submitted a completed application but has not been notified of the application status within thirty (30) days of the date of a complete application, has a right to request an informal conference within sixty (60) days of the date the application was complete.

4) Any applicant requesting an informal conference shall be furnished the reason for the decision on the application and be allowed to review the documents leading to the decision prior to the informal conference.

5) The informal conference must:

A) be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined;

B) be conducted by a LAA staff member who was not involved in the original decision (the LIHEAP coordinator may also attend);

C) be held within fifteen (15) calendar days of the receipt of request;

D) afford the applicant an opportunity to bring an interpreter and/or representative; and

E) allow the applicant to present oral and written testimony on his/her behalf.

6) The LAA will give the applicant a written statement at the end of the conference describing the result of the conference and citing the policy reasons for the decision. A copy of this report must be filed in the applicant's file.

7) In the event of a finding in support of an applicant, the LAA shall, within fifteen (15) days of the finding, process the application and notify the applicant and the home energy provider(s) in writing of the applicant's eligibility. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the home energy provider(s) within forty-eight (48) hours. In the event of a disapproval, the LAA shall provide the applicant with a Request for State Review Form. The request must specify the LAA at which the household applied for assistance, whether the LAA has held an informal conference, and the reasons for requesting a state review.

b) State Review

A request for state review must be filed with the Department within thirty (30) days after the informal conference. If the request is timely made, the Department will appoint a state reviewing officer who will review the applicant's file and the informal conference report. A written decision will be made. The request is considered made on the day the request is received by the Department (per the date stamp on the correspondence). The Department will notify the LAA that a request for state review has been filed. The LAA must, within five (5) days of the request for state review, provide both the Department and the applicant with a full copy of the applicant's file. A state reviewing officer will review the file to determine if the application contains all information required in Section 100.250(d) and all testimony presented at the informal conference. The state reviewing officer shall ascertain if the applicant was provided with a Request for State Review Form in accordance with subsection (a)(7) and determine if the informal conference decision regarding eligibility was correct (see Section 100.250 for eligibility criteria). This determination will be made and a letter sent to the applicant and the LAA within fifteen (15) days of the request for state review. In the event of finding in support of an applicant, the LAA shall approve and process the application or modify the assistance granted, and notify the applicant and the home energy provider(s) in writing within fifteen (15) days of notification of the finding from the State. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the home energy provider(s) within forty-eight (48) hours of notification of the finding from the State. In the event of a disapproval, the State shall provide the client with a Request for Formal Review Form. The request must specify the LAA at which the household applied for assistance, whether an informal conference has been held, if the state review has been conducted and the household notified of the decision, and the reasons for requesting a formal hearing.

c) The Formal Hearing

 If not satisfied with the results of the state review, the applicant must request a formal hearing by sending a written request to the Department who will notify the LAA that the request has been made by the applicant. This request must be received by the Department within thirty (30) calendar days of the date on which the state review letter was mailed by the Department. The Department will provide the applicant with a notice of the hearing in accordance with Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25]. The hearing will be conducted by a hearing officer, who has not participated in any earlier decision concerning this application, within thirty (30) days from the date the formal hearing request was received by the Department. The formal hearing will meet the following standards.

1) The hearing will be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined.

2) The applicant will be afforded an opportunity to review his/her file.

3) The hearing will be tape-recorded.

4) The decision will be based on the record, which will comply with Section 10-35 of the Illinois Administrative Procedure Act and which will be made pursuant to the procedures set forth in Section 10-45 of the Illinois Administrative Procedure Act. The hearing officer will determine if the household is eligible in accordance with Section 100.250.

5) If requested by the applicant, the applicant will be provided interpretive and auxiliary services (e.g., transportation).

6) The applicant will have the right to:

A) be accompanied and/or represented by another;

B) present written and oral statements and other evidence in accordance with Section 10-40 of the Illinois Administrative Procedure Act;

C) bring an interpreter; and

D) present and question witnesses.

7) Within ten (10) days of the formal hearing, the state appeals review board shall send a written determination to the applicant and the LAA in accordance with Section 10-50 of the Illinois Administrative Procedure Act.

8) In the event of a finding in support of an applicant, the LAA shall, within fifteen (15) days of notification of the finding, process the application or modify the assistance granted and notify the applicant and the home energy provider(s) in writing of the applicant's eligibility. In the case of an emergency application, the LAA will process the application and notify the applicant and the home energy provider(s) within forty-eight (48) hours.

(Source: Section 100.90 recodified from 89 Ill. Adm. Code 109.90 at 33 Ill. Reg. 9466)