



Information about Department of Social Services Appeals

This is information that will help you if your state government benefits are being lowered, stopped or if your application is denied. This applies to benefits including CalFresh, CalWORKs, Medi-Cal, Cash Assistance Program for Immigrants (CAPI), In Home Supportive Services (IHSS) or Foster Care.

When the government agency takes away your benefits, it's called an "adverse action." You have a right to a hearing to challenge this adverse action to try to get your benefits back.

Step 1: You will be sent a notice in the mail telling you that your benefits will be lowered or stopped or you have to pay back some benefits you got by mistake. If your application for benefits was denied, you will get a notice explaining why they were denied. You have 90 days to request a hearing to appeal the adverse action. If you are already receiving benefits, to keep them during the appeal you must request a hearing within 10 days of the date on the notice or before the date it says your benefits will be terminated (the "effective date of action"). If you don't reply, you will lose automatically.

Step 2: After you respond and ask for a hearing, a representative of the county will send you a letter asking to talk to you about your hearing request and your case. They are supposed to provide you with information to help you prove the case; give you copies of the regulations; and answer your questions. They also review the file to determine if the county was wrong to take the adverse action. If they were wrong, they can try to resolve the case through something called a "conditional withdrawal."

Step 3: If there is no conditional withdrawal and the county representative cannot help you resolve the problem before the hearing, you will receive a Notice of Hearing with the date, place and time for the hearing. This is a hearing before an administrative law judge. Two days before the hearing, the county representative is supposed to give you a document called a Statement of Position which contains the county's argument and evidence against you. You must ask the county representative for the position statement ahead of time or you will receive it the day of the hearing. At the hearing, you can submit evidence and bring witnesses, and bring a lawyer to help you. You can ask questions of the State's witnesses, and they can question you and your witnesses (called cross examination). You have a right to have the hearing in person, but it can also be held by phone if you are unable to get to downtown Los Angeles where the hearings are held. You can also object if the judge is present through videoconferencing, but the hearing might have to be postponed if a judge is not available in person.

Step 4: Decision. Within several weeks, the judge will make a decision. You will receive a notice in the mail letting you know what the judge decided and what will happen with your benefits. The county has 30 days to comply with the hearing decision. If you don't agree with the hearing decision, you can request a rehearing within 30 days of receiving the decision or you can request that the Superior Court review the judge's decision. You must request a court review (Petition for Writ of Mandate) within one year of the administrative hearing decision.