

# Indiana Legal Services, Inc

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## I Lost My Medicaid, Food Stamps or TANF – What do I do?

### **Two questions, one answer:**

1. I got a notice that my benefits (Medicaid, Food Stamps, or TANF) are being terminated (or reduced or were denied). **What do I do?**
2. I'm not getting the assistance I need to get a job. **What do I do?**

First, you should talk with your caseworker to see if there is a misunderstanding that you can easily solve. Find out if there is anything you can do to change the decision. Second, if your caseworker will not discuss the problem with you, or if the caseworker will not agree to change the decision, appeal the decision. Instructions for how to appeal are at the end of your notice.

### **What is an appeal?**

An appeal means that you are asking a judge from the Division of Family and Children to look at your case and decide if the county made the right decision about your benefits.

### **What kinds of things can I appeal?**

You can appeal a denial of benefits, a sanction against yourself or another household member, and the failure of the program to help you with employment or other services to help you get or keep a job. You can appeal and ask for a review of nearly any problem that you have with any of the benefit programs.

### **Is an appeal a waste of time?**

**No.**Appealing a decision is **not** a waste of time. Many people win the appeal. If you appeal, you may get your benefits. If you do not appeal, you will lose those benefits.

### **When should I appeal?**

You should appeal as soon as you get the notice that you are losing some benefit. There are strict time limits for appeals. For most cases, including TANF and Medicaid, you have 30 days to appeal. For Food Stamps, you have 90 days. Look at your notice carefully; it should tell you how to appeal and how much time you have to appeal.

### **What do I do with the notices I receive?**

You need to keep all the papers that you receive about your benefits. Also, keep all notices and envelopes sent by your caseworker. Keep track of the dates you talk to your caseworker.

### **What if I don't understand the notice I receive?**

Many notices are very confusing. If you do not understand a notice, ask your caseworker. If you think that you are losing or being denied benefits, you should appeal right away. You can always cancel your appeal later.

### **Can I keep getting my benefits while I appeal?**

In some cases, yes, if you appeal within 10 days or before the benefits are terminated. But if you lose your appeal, you may have to repay those benefits.

### **How do I appeal?**

To appeal, write down on a piece of paper that you want to appeal the decision. Sign and date the paper and send or take the paper to your caseworker. Be sure to keep a copy and write down the date that you gave it to your caseworker. If you appeal right away, you can ask that your benefits continue during the appeal.

### **What happens when I appeal?**

After you appeal, you will get a notice in the mail telling you the date and time for your hearing. You must attend the hearing, or your appeal will be dismissed.

### **Who makes a decision about my appeal?**

An Administrative Law Judge (ALJ) will make a decision about your appeal. The ALJs are people who are trained to decide these cases. They did not make the initial decision in your case.

### **Who will be at the hearing?**

Your caseworker (or another person from the county office) and the ALJ will be at the hearing. You can bring anyone you want with you. You can have people testify for you, or just bring them with you for support.

### **What happens at the hearing?**

The hearing is informal, but you will be under oath. Your caseworker will explain why the county office took the action it did. You can ask the caseworker questions. You will then have the chance to explain why you think the county should not have taken away your benefits or denied your application.

## **What are my rights at the hearing?**

You have the right to testify and to give written evidence to the ALJ. You can bring witnesses. You should bring any evidence you have to prove your case. You can ask questions of the county's witnesses. You can have an attorney or other person represent you at the hearing.

## **Will I get a decision at the hearing?**

**No.** The ALJ will send you a decision in the mail. It will tell you whether you won the hearing and will explain the reasons for the ALJ's decision.

## **What if I cannot attend the hearing?**

If you can't attend the hearing, you **MUST** ask for a new date **IN WRITING**. This request should be mailed or faxed to the state Office of Hearings and Appeals. If the hearing date is very soon, it is important to call the telephone number listed on the hearing notice in addition to sending the letter. The hearing notice explains how to ask for a new date. Usually, only one postponement is allowed.

## **Can I appeal the ALJ's decision?**

Yes. However, it is much harder to win after the ALJ decision.

## **Do I need an attorney for this hearing?**

You don't have to have an attorney, but it can be helpful. You can contact a private attorney or your local legal services office. If you want an attorney, you should make these calls as soon as you appeal. Do not wait for your notice of hearing.

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