

Family Health Insurance Assistance Program



P.O. Box 5880 • Salem, Oregon 97304-0880 • Voice 1-888-564-9669 • Relay Service 1-800-735-2900
Toll Free Fax 1-866-843-8936 • Web site <http://www.fhiap.oregon.gov>

Your Appeal Choices

If you believe the enclosed decision was made in error, you may appeal to FHIAP staff or request a hearing before an Administrative Law Judge. Here is an explanation of both:

1) Appeal to FHIAP staff

The appeals process is informal, allows FHIAP to correct any errors it may have made and helps you qualify for a subsidy if the rules allow.

To appeal, submit a letter to FHIAP appeals staff within 21 calendar days of the date on the enclosed decision letter. Explain why you believe the decision was made in error. Your appeal should focus on the reason(s) for the determination FHIAP gave you in the decision letter.

FHIAP staff will read your letter. They may send a letter to you with questions; if so, you have 15 days to send an answer. You may call FHIAP and ask questions.

FHIAP will make a decision on your case based on the evidence you submit as well as the Oregon Administrative Rules (OAR) and the Oregon Revised Statutes (ORS) in effect when the original adverse FHIAP decision was made.

An appeal decision will be mailed to you. If you disagree with FHIAP's appeal decision, you can still request a formal hearing. The decision letter will explain how to request a hearing before an Administrative Law Judge.

Send your appeal letter to:

Toll-free fax: 1-866-843-8936

OR

Mail: Office of Private Health Partnerships
FHIAP Appeals
PO Box 5880
Salem, OR. 97304-0880

Please note: If you don't like a rule or a statute (law), you may want to write to program managers and your state legislators to change it for the future. However, future changes in the law cannot be applied to past decisions.

Revised 8.07

Before

Anyone who reviews your appeal or hears your case, including FHIAP staff or an Administrative Law Judge, must follow the rules and statutes in place at the time FHIAP reviewed and made a decision on your application.

2) Request a hearing

The hearing process is more formal and is similar to a court proceeding.

You must submit your hearing request in writing within 21 calendar days of the date on your decision letter. Include all the reasons you want a hearing.

When we get your hearing request, we will forward it to the state's Office of Administrative Hearings (OAH) where your case will be assigned to a neutral Administrative Law Judge for review. The OAH will send you a "Notice of Hearing" with the date and time of your hearing.

FHIAP hearings are usually held by telephone. You will testify under oath and the Administrative Law Judge records the hearing. You may have an attorney represent you but FHIAP cannot pay for your attorney. Some people get help from Legal Aid.

At the hearing, you and FHIAP present information. Typically, FHIAP testifies first and says why it made the decision. You then testify about why you think the decision was made in error. You may present witnesses and/or documents. FHIAP gets a final chance to "rebut" (or argue against) your testimony.

The judge will make the hearing decision based on the evidence from the hearing as well as the Oregon Administrative Rules (OAR) and the Oregon Revised Statutes (ORS) in effect when the original adverse FHIAP decision was made.

If you withdraw your request for a hearing or don't participate in the hearing, the Administrative Law Judge may issue a final order by default. ***That means the case will be decided based solely on your file. You have no other chance to provide information.***

A decision, called a Final Order, is mailed to you. The copy of the order tells you how to appeal the hearing decision to the Oregon Court of Appeals.

Send your request for an administrative hearing to:

Toll-free fax: 1-866-843-8936

OR

Mail: Office of Private Health Partnerships
FHIAP Hearings
PO Box 5880
Salem, OR. 97304-0880

Questions?

Call toll-free: 1-888-564-9669. Ask for our appeals staff.

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