

I. Decision Notices

1. Overview

A decision notice must be sent when approval, denial, reduction or closure of benefits have been determined. The action taken on a case will determine what type of notice must be sent to the client.

The notice must always contain certain information. Notices are standardized, so that most of the required information is preprinted. The standard, preprinted information consists of the hearing rights and procedures around hearings. The part that is not standard consists of the action that the department intends to take, the effective date of that action, the reason for the action, the date of the notice. The notice can be computer generated or sent manually. This includes when a client asks for more benefits for a specific reasons.

What a Decision Notice Must Include Rule

[461-175-0010](#) — What a Decision Notice Must Include

2. Types of decision notices

A decision notice is a written notice sent to the benefit group describing the action taken on an application or the benefits. There are three types of decision notices that can be given to clients. They are:

- A Basic Decision Notice. This notice is mailed no later than the planned date of action on the case and does not give the client the right to continuation of benefits pending a hearing;
- A Continuing Benefit Decision Notice. This notice is mailed in time to be received by the date that benefits are, or would be received, and gives information on the benefit group's right to continuing benefits;
- A Timely Continuing Benefit Decision Notice. This notice must be mailed no later than 10 calendar days before the effective date of the action. Except for clients who are participating in the *Address Confidentiality Program* who are allowed 15 calendar days for the notice to be considered timely.) Count the day after the notice is mailed as the first calendar day. The effective date is the 11th calendar day or later. If the 10th calendar day falls on a weekend or a holiday, extend the date to the first working day after the end of the 10-day period. This notice also contains information on the benefit group's right to continuing benefits.

Definitions for Chapter 461 Rule

[461-001-0000](#) — Definitions for Chapter 461

Notice Period Rule

[461-175-0050](#) — Notice Period

The notice period is used to determine the effective date for taking action when a decision notice is sent to the filing group. For a Basic Decision notice, the notice period is the month in which the notice is mailed. For a Continuing Benefit Decision notice, the notice period is the budget month from which information is used to initiate the decision notice. For a Timely Continuing Benefit Decision notice, the notice period is the month in which the 10-calendar-day mailing requirement ends.

Notice Period Rule

[461-175-0050](#) — Notice Period

3. What a decision notice must contain

A decision notice must do all of the following:

- Except for mass changes, specify the action that the Department of Human Services (DHS) intends to take, the effective date of the action, the date the notice is mailed and the reason for the action;
- Provide the name and phone number of the agency staff person or department to contact for additional information;
- Inform the client of their right to a hearing before an impartial person. This includes the following: specifying the method and time frame for requesting a hearing; informing the client of their right to a pre-hearing conference with staff representing the agency; informing the client of their right to representation (including legal counsel); informing the client about availability of free legal help; and informing the client of their right to have witnesses testify on their behalf;
- Cite the administrative rule that supports the action being taken on the case.

Continuing Benefit Decision Notices and Timely Continuing Benefit Decision Notices must also inform clients of their right to continuing benefits. Clients are entitled to a continuation of benefits if they request a hearing by the later of the following:

- Within 10 days of the mailing of the notice (within 15 days of the mailing notice for clients participating in the *Address Confidentiality Program*); OR
- On or before the effective date of the action.

A Notice of Expiration must be sent to the filing group and include the following information:

- The date the certification ends.

What a Decision Notice Must Include Rule

[461-175-0010](#) — What a Decision Notice Must Include

Notice Period Rule

[461-175-0050](#) — Notice Period

Notice Situation; Mass Changes Rule

[461-175-0250](#) — Notice Situation; Mass Changes

NOTE



Some notice situations may require that more information be included than has been described here. Please see [item 4](#) below for more information on specific notice situations.

4. REF and REFM notice situations

Send a Basic Decision notice if:

- An application for REF or REFM is denied;
- Ongoing REF or REFM benefits are approved;
- Benefits are opened without a disqualified individual on the case;
- A benefit group member has received an Intentional Program Violation (IPV) disqualification;
- New REF or REFM applicants are ineligible because of a disqualifying transfer of resources;
- The client has been placed in skilled nursing care, intermediate or long-term care;
- A client (or another adult filing group member or their representative) signs a written request to withdraw their application or end their benefits. This is normally done on a *Voluntary Agreement to Take Action on Case* ([MSC 457D](#)) form;

- The client is placed in official custody or a correctional facility;
- The client has been admitted or committed to an institution;
- The client's mail has been returned and their whereabouts are unknown;
- A client receives benefits for less than 30 days;
- A client has moved out of state and becomes eligible in another state.

NOTE



An auto-generated approval notice is mailed to the family when REF or REFM is approved. This notice confirms the certification end date. It is not necessary to send an additional approval notice.

Notice Situations; General Information Rule

[461-175-0200](#) — Notice Situations; General Information

Notice Situation; Benefits for Less Than 30 Days Rule

[461-175-0205](#) — Notice Situation; Benefits for Less Than 30 Days

Notice Situation; Client Moved or Whereabouts Unknown Rule

[461-175-0210](#) — Notice Situation; Client Moved or Whereabouts Unknown

Notice Situation; Disqualification Rule

[461-175-0220](#) — Notice Situation; Disqualification

Notice Situation; Nonstandard Living Situations Rule

[461-175-0230](#) — Notice Situation; Nonstandard Living Situations

Notice Situation; Removing an Individual From a Benefit Group (REF, REFM, SNAP, TANF) or Need Group (ERDC) Rule

[461-175-0305](#) — Notice Situation; Removing an Individual From a Benefit Group (REF, REFM, SNAP, TANF) or Need Group (ERDC)

Notice Situation; Asset Transfer Disqualification Rule

[461-175-0310](#) — Notice Situation; Asset Transfer Disqualification

Notice Situation; Voluntary Action Rule

[461-175-0310](#) — Notice Situation; Voluntary Action

Send a Timely Continuing Benefit (10-day) decision notice when:

- Benefits are reduced or closed;
- The method of REF payment changes to protective, vendor or two-party;
- Ongoing employment program support payment is being reduced or closed;
- The client has moved out of state;
- The branch implements a sanction or disqualification (that results in a grant reduction, or closure or change of payment method) on a client's case due to failure to: participate in an employment program or Alcohol and Drug/Mental Health programs, or pursue assets. The notice must include information about the action that caused the disqualification, the minimum length of the disqualification period and the amount of the benefit reduction;
- REF benefits are reduced to recover an overpayment. Send a copy of the *Notice of Overpayment and Planned Action* ([MSC 284B](#)) to each liable adult in the household;
- An ongoing REF or REFM household is being found ineligible because of a disqualifying transfer of resources;
- The client makes a verbal request (in person or by phone) to reduce or close their benefits.

Notice Situations; General Information Rule

[461-175-0200](#) — Notice Situations; General Information

Notice Situation; Client Moved or Whereabouts Unknown Rule

[461-175-0210](#) — Notice Situation; Client Moved or Whereabouts Unknown

Notice Situation; Disqualification Rule

[461-175-0220](#) — Notice Situation; Disqualification

Notice Situation; Overpayment Repayment Rule

[461-175-0290](#) — Notice Situation; Overpayment Repayment

Notice Situation; Asset Transfer Disqualification Rule

[461-175-0310](#) — Notice Situation; Asset Transfer Disqualification

Notice Situation; Voluntary Action Rule

[461-175-0340](#) — Notice Situation; Voluntary Action

This page intentionally left blank.