

## **The Importance of Appeal Rights**

One important activity of the Benefit Specialist Program is to assist seniors with appealing unfavorable decisions that affect their benefits. Under most benefit programs such as Social Security Disability, SSI, Retirement Benefits, Medicare, Medicaid, and Food Share, you have the right to appeal decisions with which you disagree. There are steps that a person can take if they are denied benefits or are receiving a reduced benefit and believe it is wrong. Instructions on how to appeal can be found on the letters or notices that inform you of changes to your benefits. These appeals are often successful in securing the proper benefit. Your local Benefit Specialist, located at the Aging and Disability Resource Center, may be able to assist you with certain appeals.

It is very important to remember that there are time limits in the appeals process. You must read all decisions and statements thoroughly and note any appeal deadlines. If your appeal is not received by the deadline, you will lose your right to protest the decision. It is also very important to start the appeal process as soon as possible, especially if you want a benefit specialist to assist you. Sometimes it is necessary to order medical records to help make your case. Waiting until the last minute makes it difficult to prepare a convincing argument that can win your case. If you wait too long, a benefit specialist may not have sufficient time to even evaluate your case.

You do not need an attorney for any of the first steps of the appeals process. You can often take those steps yourself, or with the help of a Benefit Specialist. The Benefit Specialist Program may be able to secure or refer you to an attorney for the later stages of appeals, if there is merit to your case.

It is also important to note that it is often possible to keep these benefits while you go through the appeal process if the appeal request is made within a certain, usually short, time frame. This fact makes a quick response even more important. The time frame for keeping benefits during an appeal varies with every program; again it is important to read the notice to determine your rights. However, keep in mind that if you opt to keep your benefits during the appeals process and you lose, you may have to pay back the benefits that you received during that time.

For many benefits, you may be able to request a hearing. Sometimes, you must file other appeals first. Information about what your appeal rights are and how to proceed will be found on notices that you receive about your benefits. After you request a hearing, you will have an opportunity to appear before an administrative law judge and tell your side of the story. An administrative law judge is an independent person who makes an impartial decision based on the evidence presented. In some cases, it is possible to appeal to a higher level, such as a circuit court.

These are general guidelines about appeals. If you have specific questions, please contact Medicare, Social Security, or the local office of your ADRC. If you have been denied benefits and believe the decision was wrong, the Benefit Specialist Program can investigate your case and possibly offer you representation in exercising your appeal rights. And don't forget to pay attention to the appeal deadlines!