

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

### **100.03.05C6 STATE HEARING REQUESTED AFTER ADVERSE LOCAL DECISION**

As indicated, the client has the right to appeal a local hearing decision by requesting a state hearing; however, the state hearing request must be made in writing within 15 days of the mailing date of the DOM-351. This means the state hearing request must be received by the regional office or state office on or before the 15<sup>th</sup> day after the local hearing notice is mailed. If the state hearing request is made orally, then the claimant must be informed that the request must be put into writing and received with the allotted 15-day time period.

If benefits have been continued pending the local hearing decision, then benefits will continue throughout the 15-day advance notice period when the local hearing decision is adverse. If a state hearing is requested timely within the 15-day period, then benefits will continue pending the outcome of the state hearing.

State hearings requested after the 15-day advance notice period for the local hearing will not be accepted unless the 30-day period for filing a hearing request has not expired because the local hearing was held early in the 30-day period and there is time remaining.