

## **Northern California Indian Development Council, Inc.**

### **FAIR HEARING POLICY FOR LIHEAP PROGRAM**

The Northern California Indian Development Council, Inc. (NCIDC) administers the Federal Department of Health and Human Services - Administration for Children and Families - Office of Community Services – Division of Energy Assistance - Low Income Home Energy Assistance Program (LIHEAP) for dozens of tribes in the state of California. In order to provide LIHEAP services to the members of each tribe, the tribes and NCIDC have established a delivery system that requests each tribe assist their members with completing necessary forms, and providing the information ensuring eligibility for the program services.

The NCIDC LIHEAP Program Policies and Procedures establish the service priorities for the tribes to follow. These priorities are set to ensure, to the greatest extent possible, that the limited amount of LIHEAP funds allocated to each tribe serve the most needy tribal members.

Given the limited amount of LIHEAP funds available to each tribe annually, there may be some members that do not receive program assistance, even though they meet the eligibility guidelines. However, if you are a member of a tribe served through the NCIDC LIHEAP program and you believe your application for services has been denied or not acted upon with reasonable promptness (more than 4 weeks), you have the right to appeal the action.

If you feel that you have a legitimate complaint, it is NCIDC's policy to attempt to resolve such problems through an informal resolution process. The informal resolution process involves a discussion with your tribal LIHEAP liaison; his/her supervisor; the NCIDC LIHEAP Coordinator and/or the NCIDC Chief Executive Officer. This is the first step in the NCIDC Fair Hearing Procedure.

In the event that an informal resolution of the complaint is not satisfactorily attained, or if you do not wish to avail yourself of the opportunity for the informal resolution process, then you may skip step one and file a written complaint to the NCIDC Chief Executive Officer. This is the second step in the NCIDC Fair Hearing Procedure.

Any applicant requesting an NCIDC LIHEAP appeal hearing may do so by writing to: NCIDC LIHEAP APPEAL HEARING REQUEST, 241 F Street, Eureka, CA 95501. In this written request, the applicant must provide a copy of their letter requesting an informal resolution process with the Tribe, and the outcome of that process (if you have followed this process). Further information on the appeal process may be requested via phone at 707-445-8451, however all formal appeal hearing requests must be submitted in writing.

At the hearing you may represent yourself or may be represented by an advocate of your choice.

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### **FAIR HEARING PROCEDURE FOR LIHEAP PROGRAM**

The procedures described below outline the steps to follow if an applicant for LIHEAP services believes they have been inappropriately denied services or their application has not been acted on in a timely manner.

1. Attempt to resolve the problem with your tribal LIHEAP liaison, that person's supervisor within the tribe or another person of authority having the ability to evaluate the situation, develop a resolution, and implement the planned solution.
2. If the problem can not be resolved at the tribal level, and an informal resolution cannot be reached to your satisfaction, immediately contact the NCIDC LIHEAP Coordinator. The Coordinator may be able to resolve the matter without further formal consideration or will be able to assist with the development of a formal written complaint.
3. If the above steps do not provide you with a satisfactory resolution of the alleged complaint, file a formal written complaint to the NCIDC Chief Executive Officer within ten (10) days of the incident or incidents leading to the complaint. The written complaint must include: a description of the incident(s) provoking the complaint; a record of any attempt you have made to informally resolve the matter; reasons for pursuing the complaint; and your desired resolution of the alleged problem.
4. Within five (5) days of receipt of the formal written complaint, the NCIDC Chief Executive Officer will review the information, solicit additional information as needed, and attempt to informally resolve the problem at this stage.
5. Within eight (8) days of the receipt of the formal written complaint the Chief Executive Officer will provide to all parties involved a written determination regarding his/her findings in the matter. The written determination transmitted to the aggrieved party will include notification of his/her opportunity for a hearing, the procedures for requesting a hearing and shall describe the elements in the hearing procedures.
6. Within five (5) days of the date of the Chief Executive Officer's written determination, if the aggrieved party is dissatisfied with this determination, they must file a written response delineating the reason(s) they object to the determination, why it should be reconsidered, and request a hearing on the matter. In the written response the aggrieved party may amend the complaint to include any additional issues to be decided in the hearing, and/or provide additional information or materials relevant to the complaint. The written response and request for a hearing on the complaint must be received by the Chief Executive Officer within four (4) days of the date of the written determination.
7. Within five (5) days of receipt of the written response and request for a hearing, the Chief Executive Officer will provide written notification describing the elements in the hearing procedures; the date, time, and place of the hearing; the manner in which it will be conducted; and the issues to be decided. The aggrieved party is entitled to a formal

hearing within thirty (30) days of receipt of the initial formal written complaint by NCIDC.

8. The aggrieved party may, at his/her option, request a rescheduling of the hearing for good cause. In such instances NCIDC will require that the complainant file such request in writing.
  
9. A written decision from the Hearing Officer will be provided to the Chief Executive Officer, the Complainant, and any other interested parties within sixty (60) days of receipt of the initial formal written complaint. This period may be extended with the written consent of all of the parties to the complaint for good cause. The written decision shall be transmitted to the concerned parties by certified mail, return receipt requested. The Hearing Officer's decision shall include the following:
  - a statement of facts;
  - a statement of reasons for the decision;
  - a statement of any remedies to be applied

The decision of the Hearing Officer shall be considered final in the formal administrative grievance resolution process administered by NCIDC.