




# New Mexico Human Services Department

Susana Martinez, Governor  
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INCOME SUPPORT DIVISION  
INTERDEPARTMENTAL  
MEMORANDUM  
ISD-GI 12 – 18

**DATE:** April 26, 2012  
**TO:** All ISD and NMW Staff  
**FROM:**  Ted Roth, Acting Director  
Income Support Division  
**SUBJECT:** Fair Hearing Request

The purpose of this GI is to reinforce the steps to be taken when an applicant or recipient requests a fair hearing.

#### Fair Hearing Request Submittal

To ensure the Fair Hearings Bureau receives clear information regarding the claimant, please complete the "Fair Hearing Request" form (ISD-215). This form is to be sent to the Fair Hearings Bureau when a request is received in person or with a telephone call/message. If the hearing request is received via mail on the "Notice of Rights" page, please identify the Claimant information, if not available, and send to the Fair Hearings Bureau with the ISD 215.

The "Notice of Rights" that is attached to the notices of adverse action is currently being updated and will include the applicant/recipients full name, SSN, mailing address and GEO/ADM.

#### Continued Benefits Pending a Fair Hearing

If requested, ISD staff shall take prompt action to determine if benefits can continue pending the hearing decision.

Continued Benefits may be authorized when the request for hearing is received by HSD in a timely manner. For the purpose of continuing benefits, "timely manner" means an oral or written request for a hearing has been received by the Department before the end of the 13<sup>th</sup> day after the date on the notice. (8.100.970.8 C (6) NMAC)

When a claimant requests a hearing within 13 days from the date of the notice, they may continue to get the current amount of benefits prior to the notice. They may continue get Continued Benefits pending the Fair Hearing decision until the Department

decides the case, unless another change is made to the case. ISD staff shall explain to the claimant that if assistance or benefits have been continued while the hearing decision was pending, and the decision is favorable to HSD, they will have to pay back any excess amounts paid while the hearing decision was pending.

Please contact Rita Paz at 827-1326 or by email at [Rita.Paz@state.nm.us](mailto:Rita.Paz@state.nm.us), if additional information regarding this GI is needed.

ATTACHMENT: Request for a Fair Hearing  
Notice of Rights

**RESCINDED**