

10A NCAC 67A .0206 GOOD CAUSE FOR NOT REQUESTING HEARING AND REQUIRED TIME FRAMES

(a) Except in the Supplemental Nutrition Assistance Program, an appellant shall request a local hearing within 60 days from the date of action unless he or she shows good cause. If the appellant shows good cause, the local hearing request must be made no later than the 90th day from the date of action.

(b) Except in the Supplemental Nutrition Assistance Program, an appellant shall request a state hearing within 15 days from the date the local hearing decision is mailed unless he or she shows good cause. If the appellant shows good cause, the state hearing request must be made no later than the 90th day from the date of action.

(c) For purposes of G.S. 108A-79(e) for local hearings, good cause for not requesting a local hearing within 60 days from the date of action and for not requesting a state hearing within 15 days from the date the local decision is mailed shall include the following:

- (1) Failure of the appellant to receive the notification of the action to be taken pursuant to the local hearing decision;
- (2) Hospitalization of the appellant, spouse, child, stepchild or parent of the appellant;
- (3) Failure of a representative, acting on the appellant's behalf, to meet the time limitation to file an appeal in accordance with federal and State laws and regulations;
- (4) Illness that results in the appellant being incompetent or unconscious and no representative has been appointed;
- (5) Illness that results in the incapacity of the appellant;
- (6) Death of the appellant or his or her representative; or
- (7) Delay caused by the county, such as failing to assist the individual in filing an appeal, incorrectly providing information on appeal rights, or discouraging a request for appeal.

(d) The appellant shall provide evidence to substantiate good cause. Evidence may include:

- (1) Doctor's statement;
- (2) Hospital bill;
- (3) Written statement from the appellant's representative; or
- (4) Written statement of the appellant or other individual knowledgeable about the situation.

*History Note: Authority G.S. 108A-79; 143B-153; 7 C.F.R. 273.15(g); 45 C.F.R. 205.10(a)(5)(iii); 42 C.F.R. 431.221(d);
Temporary Adoption Eff. January 1, 1988 For a Period of 180 Days to Expire on June 28, 1988;
Eff. May 1, 1988;
Amended Eff. March 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016;
Amended Eff. September 1, 2019.*