QUINAULT INDIAN NATION
Temporary Assistance for Needy Families

APPEAL FORM

Name:  ____________________________________________

Mailing Address:  ______________________________________

__________________________________________

Phone Number:  __________________________

I am appealing:

☐ Application Denial  ☐ Case Closure  ☐ Grant Reduction
☐ Late Grant  ☐ Prior Appeal Determination  ☐ Removal from Case
☐ Sanction  ☐ Sanction Warning  ☐ Support Service Denial
☐ Due to a Violation of Program Responsibilities  ☐ Other ____________________

The reason that I am appealing is:

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Signature  __________________________ Date  __________________________

Please attach any supporting documentation that you feel will help support your reason for appeal.
XXI. APPEALS

The QIN has an interest in assuring the program is administered, implemented and enforced non-discriminatorily and consistent with basic principles of justice and fairness. All applicants or participants of services and financial assistance, have the right to appeal if assistance is denied, reduced, suspended, sanctioned or terminated. The public will be notified about the Appeal process here within, at a minimum, by making the QIN TANF Plan accessible to the public in the each of the TANF Office locations and by making it known through the orientation process. See also section Letter of Notification (LON) section here within. TANF Plan

A. Appeal to Manager

With the exception of applicants or participants who make fraudulent statements or misrepresentations, if an applicant or participant disagrees with a program decision to deny, reduce, suspend, sanction or terminate assistance, they may request an administrative review before the Manager or Manager’s Designee. The request must be in writing and must be made within ten working days from the date of the LON. The written request shall be signed and dated and contain the following information:

1. The nature of the decision; and
2. Why the person adversely affected by the decision disagrees with the decision, action or finding

The Manager or Manager’s Designee will conduct an administrative review of the decision. If it is found that the administrative process was not adhered to, the Manager or designee may overturn the decision without going to a hearing. If the administrative process was adhered to, the appeal may go to a hearing, upon the written request of the applicant or participant. The request must be submitted within ten business days from the date of the LON to go to a full hearing.

A hearing shall be scheduled within ten business days from receipt of the request. The person requesting the hearing shall be notified of the hearing date by certified mail to the applicant or participant’s last known address. The person requesting the hearing or the Program shall have the right to one continuance of the hearing date. TANF Plan

If upon written notice of a hearing date and time, the participant is a no-show, the original decision that is being appealed is upheld and an LON is mailed accordingly.

B. Hearing

The hearing shall be conducted in an informal but orderly manner. These procedures shall be followed: The hearing shall be recorded electronically, all relevant evidence shall be made part of the record, documentary evidence may be received in the form of copies or excerpts or by incorporation by reference, all documents contained in the program file regarding the person requesting the hearing shall be made part of the record, and the program staff who made the decision, which is the subject of the appeal, shall be present at the hearing and shall explain the reason for the decision.

The person requesting the hearing shall have the right to be represented by counsel of their choice and at their expense, an opportunity to question the employee making the decision, present evidence, and make a brief argument.

Within five business days from the conclusion of the hearing, the Manager shall enter a written decision. The decision shall identify the evidence and rules relied on in making the decision and the reason for the decision. A copy of the decision shall be mailed by
certified and regular mail to the person requesting the hearing along with notification that the person has the right to petition to the Tribal Court for review of the decision. The Manager’s decision shall be final.

A copy of the electronic record shall be furnished to the person requesting the hearing upon a written request. *TANF Plan*

**C. Review of Final Decision**

A person aggrieved by the Manager’s final decision is entitled to judicial review only under the provisions of the QIN TANF Plan and such person may not use any other procedure to obtain review of such final decision even though another review procedure is provided elsewhere by tribal law, rule, and regulation or Business Committee resolution.

Judicial review under the QIN TANF Plan shall be commenced by the filing of a petition for review in the Quinault Indian Nation Tribal Court. The petition shall be served and filed within twenty days after the Manager enters the final decision.

Copies of the petition for review shall be served upon the Manager and the Office of Attorney General by certified mail, return receipt requested. *TANF Plan*

**D. Enforcement Pending Review**

The filing of a petition for review shall not state enforcement of the decision. *TANF Plan*

**E. Transmittal of Record on Review**

Within thirty days after servicing of the petition for review, or within such further time as the Tribal Court may allow, the Manager shall transmit to the Tribal Court the original or a certified copy of the entire record of the hearing; but all parties to the review may stipulate to the record on review. *TANF Plan*

**F. Conduct of Review**

The review shall be conducted by the Tribal Court without a jury and shall be confined to the record. The Tribal Court shall not take additional evidence or hear testimony. The Tribal Court shall hear oral argument and receive written briefs. The Tribal Court shall set the length of the briefs and time for the arguments. *TANF Plan*

**G. Authority of Tribal Court**

The Tribal Court may affirm the final decision of the Manager; or remand the case for further proceedings; or revise the final decision, in whole or in part if the rights of petitioner has been prejudiced because the decision:

1. Violates the Quinault Indian Nation Constitution or the Indian Civil Right Act, 25 U.S.C. 130 et. Seq.;
2. Exceeds the lawful authority of the program;
3. Is clearly erroneous in view of the entire record; or
4. Is arbitrary or capricious.

The decision of the Tribal Court shall be final and not subject to further review by the Business Committee or any other agency or person unless further review is authorized by Federal Law. *TANF Plan*