



PO 220.5: Time Period to File an Appeal

PR 220.5.

The date the appeal is filed is called the date of appeal. The date of appeal is the date the GA Unit receives the request, except for mailed requests. For mailed requests, use the postmark date, not the receipt date, as the date of appeal. For faxed requests, use the date on the transmittal sheet as the date of appeal.

To receive full consideration, an appeal must be filed timely. This means it must be filed within a certain time period after the decision being appealed.

To be considered timely, the date of appeal must be within 60 calendar days after the decision of the GA Unit.

Day one of the 60-day time period is the day following:

- the date on the notice of decision on an application;
- the date on the notice that benefits will be reduced, suspended, or canceled;
- the date on the notice of decision on a request for prior approval for payment of a medical service or item; or
- the date of the GA Unit's notice of denial of a request or other action that the client thinks is wrong.

If the client presents the envelope in which the written notice was delivered and the postmark date is after the date on the notice, use the postmark date as the date of notice for all timeliness calculations. This includes figuring out whether the notice itself was timely and whether the appeal was filed timely. Keep the envelope in the case record as proof.

Appeals filed after the 60th day may be considered timely when the 60th day falls on a weekend or holiday and the request is received or postmarked by the first workday after the 60th day.

There is no time limit for the client to file an appeal when the GA Unit fails to:

- send a required written notice;
- take action on a specific request; or
- notify a client when a request is denied.

When the request for an appeal is filed after the 60-day time period, the right to appeal is not affected. However, the Final Administrative Decision will not be favorable to the appellant if it is determined that the 60-day time period applies to the situation and has expired.

