

1 **10A NCAC 67A .0206 GOOD CAUSE FOR NOT REQUESTING HEARING AND REQUIRED TIME**
2 **FRAMES**

3 (a) Except in the food stamp program, an appellant shall request a local hearing within 60 days from the date of action
4 unless he or she shows good cause. If the appellant shows good cause, the local hearing request must be made no later
5 than the 90th day from the date of action.

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

9 (c) Good cause for not requesting a local hearing within 60 days from the date of action and for not requesting a state
10 hearing within 15 days from the date the local decision is mailed is defined as:

- 11 (1) Failure of the appellant to receive the notification of action to be taken on the notification of the
12 local hearing decision;
- 13 (2) Extended hospitalization of the appellant or spouse, child or parent of the appellant;
- 14 (3) Failure of a representative, acting on the appellant's behalf, to meet the time frames;
- 15 (4) Illness which results in the appellant being incompetent or unconscious and no representative has
16 been appointed;
- 17 (5) Illness which results in the incapacity of the appellant;
- 18 (6) Death of the appellant or his or her representative;
- 19 (7) Delay caused by the county such as failing to assist the applicant/recipient in filing an appeal,
20 inadequately or incorrectly providing information on appeal rights or discouraging a request for
21 appeal.

22 (d) The appellant shall provide evidence to substantiate good cause. Evidence may include but is not limited to:

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

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28 *History Note: Filed as a Temporary Adoption Eff. January 1, 1988 For a Period of 180 Days to Expire on*
29 *June 28, 1988;*
30 *Authority G.S. 108A-79; 143B-153; ~~e. 599, 1987 Session Laws~~; 7 C.F.R. 273.15(g);*
31 *45 C.F.R. 205.10(a)(5)(iii); 42 C.F.R. 431.221(d);*
32 *Eff. May 1, 1988;*
33 *Amended Eff. March 1, ~~1990~~1990;*
34 *Readopted Eff. July 1, 2019.*
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