



Your Appeal Rights to the Executive Office of Elder Affairs

If you believe that the Aging Services Access Point (ASAP) Review decision was not based on correct facts or was not made according to the correct regulations and policies, you may appeal to the Executive Office of Elder Affairs.

Your Rights Under 651 Code of Massachusetts Regulations 1.00 et seq.

- You can be heard at a hearing at Elder Affairs.
- You can see and copy (at your own expense) your file during business hours.
- You can choose someone to represent you at the hearing.
- You can submit written material (copies will be given to the ASAP).
- You can have witnesses speak for you at the hearing.
- You can ask that the hearing take place on the telephone or in person.

Appeal Process. A hearing is a formal chance for you to say why you believe the action taken by the ASAP was not correct. Hearings are held by telephone conference call or at an Elder Affairs office. A Hearing Officer holds all hearings and all hearings are tape-recorded.

Members of the ASAP staff will be at the hearing to explain why they took the action that you are appealing. They will show why they think it is correct under current regulations and policies. Before the hearing, copies of written materials that the ASAP will use at the hearing will be sent to you. You can ask questions about the information the ASAP presents and you may explain why you feel that the action was not correct. You may also talk about all the materials and information presented.

Summary Decisions. After you file an appeal, you or the ASAP may request a Summary Decision by contacting the Elder Affairs Hearing Coordinator at 617-727-7750. A Summary Decision means that you agree with the ASAP about the decision, you do not want a hearing, but you still want to appeal the ASAP decision. If your request is allowed, the Hearing Officer will only look at the written information that you and the ASAP submit and make a decision.

Within 90 calendar days of your hearing or submittal of a signed document for a Summary Decision, the Hearing Officer will prepare a written decision. Elder Affairs will send a copy of the decision to you and to the ASAP with instructions on how you may further appeal the matter. Hearing and Summary Decisions are effective when you receive the decision.

If you wish to appeal, you must fill out the enclosed form and send it to Elder Affairs within 30 calendar days of when you get the ASAP Review decision. If you do not send the Request for Appeal within that time, you will lose your right to appeal.

Attachment: Request to Appeal ASAP Review Decision