



Food and
Nutrition
Service

April 9, 2020

1320 Braddock Place
Alexandria, VA
22314

Ms. Karmela Martinez
Director
Income Support Division
New Mexico Human Services Department;
Post Office Box 2348
Santa Fe, New Mexico 87504-2348

RE: Supplemental Nutrition Assistance Program (SNAP) – NM request for flexibility on fair hearings timelines due to COVID-19 – Approval

Dear Ms. Martinez:

This letter transmits approval of the New Mexico Human Services Department request for flexibility on time frames for fair hearings in response to potential State office closures or staff reductions due to COVID-19. The Food and Nutrition Service (FNS) is approving this request under the authority of 7 CFR 272.3(c)(1)(i), which allows FNS to authorize temporary waivers to deviate from specific regulatory provisions when they cannot be implemented due to extraordinary temporary situations.

FNS is approving flexibility on the following regulations:

- 7 CFR 273.15(c) *Timely action on hearings* - Within 60 days of a receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision.
- 7 CFR 273.15 (j)(2) *Denial or dismissal of request for hearings* - State agency must respond to a request from a household or its representative to withdraw a hearing request by providing written notice to the household within 10 days of the household's request confirming the withdrawal request and providing the household with an opportunity to request a hearing.

FNS is authorizing the State agency to extend the fair hearings process up to 120 days from receipt of the request for fair hearings that were already in process or for which requests are received from March 1 through May 31, 2020. The time frame for sending notices confirming oral withdrawal requests may be extended up to 30 days from receipt of the request for such requests received during this same time period. FNS encourages the State to use existing flexibility to conduct hearings by alternate means, such as telephone or video conference, when possible, to meet the standard required deadlines, but flexibility is allowed when this is not possible.

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Approval of this waiver is contingent on the State agency meeting the following conditions. The State agency must notify households affected by this flexibility. All rights of households and other responsibilities of the State agency to ensure full due process as described in the regulations around fair hearings remain in place regardless of a potential delay in the proceedings. The State agency will prioritize completing the fair hearing process for any household whose process was delayed due to this flexibility, while also ensuring that the process for requests received after the expiration of this flexibility period meet the required time frames.

If you have questions or need additional information, please contact your Regional Office representative.

Sincerely,

4/9/2020

X Ronald K. Ward

Ronald K. Ward

Director, Program Accountability and Administrati...

Signed by: Department of Agriculture