

FILING A COMPLAINT (Grievance) WITH DHS

Oregon law (ORS 411.977) requires Department of Human Services (DHS) employees to treat clients "in a courteous, fair and dignified manner." You have a right to file a complaint whenever you have not been treated in this manner. Therefore, you should consider filing a complaint whenever *any* DHS employee offends your dignity in any way. For example, you should file a complaint if your worker:

- *calls you names or speaks rudely to you;*
- *gives you the "run around;"*
- *asks you to provide information not required by law;*
- *fails to return your calls;*
- *does not take the time to answer your questions;*
- *doesn't tell you about programs or benefits that could help you;*
- *intrudes on your private affairs;*
- *behaves dishonestly.*

You must file your complaint within sixty (60) of the event you are complaining about. It is best to file the complaint as soon as possible after the incident occurred.

If your benefits have been reduced or cut off, you should also ask for a hearing. There is more about this at the end of this flyer.

1. WHY SHOULD I FILE A COMPLAINT?

When you have been mistreated, filing a complaint is a way to *protest* that treatment and *demand action* from DHS supervisors. Even if you are not demanding a specific action, filing a complaint can be worthwhile because it lets your worker know that you know how to stand up for your rights.

You can also file a complaint to ask for a new worker, although by law you don't have to be given one. DHS may assign a new worker if the worker has made many mistakes or there is a serious personality conflict between you and your worker.

The purpose of filing complaints is to improve treatment of people who receive welfare or food stamps. The complaint you file is forwarded to the District Office and then to administration in Salem, as well as to Oregon's Family Services Review Commission. This helps to spot the "bad apples" in the welfare system and helps DHS improve the process for clients. So by filing a complaint, you're not just helping yourself, you're making the system better for everyone.

2. HOW DO I FILE A COMPLAINT?

Go to the reception area of your welfare office and get a "Client Complaint or Report of Discrimination Form" (DHS 0170). If you cannot find any complaint forms, ask the receptionist to give you one. Fill out the form and give it to the receptionist. *Ask for a date-stamped copy as a receipt.*

Legal Aid Services of Oregon and Oregon Law Center

Public Benefits Hotline – 1-800-520-5292

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www.oregonlawhelp.org

Note that DHS uses the word “grievance” and “complaint” interchangeably; they are the same thing. *But, don’t be confused by the “Client Comment Form” (DHS 0171), which does not give you the same rights as the complaint form.*

You can also find the “Client Complaint or Report of Discrimination Form” on the internet. Go to www.oregon.gov/DHS/admin/forms/index.shtml. Click on “Find a DHS form.” Then enter 0170 as the form number and click “Search.”

DHS staff must explain the complaint review process to you and help you put your complaint in writing if you need help.

OAR 407-005-0105(4);
OAR 407-005-0110(1)

3. WHAT RIGHTS DOES FILING A COMPLAINT GIVE ME?

The supervisor must review your complaint and contact you within five working days from the time you hand in the complaint.

OAR 407-005-0115(4)(a)

Sometimes supervisors fail to respond within the five day time limit. If this happens to you, call the Governor’s Advocacy Office at 1-800-442-5238.

There are four available levels of review for DHS grievances:

- First level manager (usually your case worker’s supervisor)
- Second level manager (usually the manager of the local DHS office)
- Third level manager (Service Delivery Area or Regional Program Manager)
- Governor’s Advocacy Office

At each stage of review:

- The office must contact you within five working days of that office’s receipt of your complaint
- Each office should offer you the opportunity to meet by phone or in person
- The office has 10 days to investigate your complaint. If they need an extension, they must notify you of the amount of time needed.
OAR 407-005-0115(4)(b)
- DHS must notify you of a proposed solution to your complaint.
- If you are not satisfied with the solution DHS proposes, *SAY SO, and request an appeal within 5 days of being notified of the proposed solution.* The office must immediately forward your complaint to the next stage of review.
OAR 407-005-0115(4)(b)(C)
- If you are satisfied with the solution DHS proposes, you may *request a written statement* that summarizes your complaint, accepts or denies your allegations, and states how the problem was resolved.

THE GOVERNOR’S ADVOCACY OFFICE

At any stage, you may choose to skip a level of levels of review and take your complaint straight to the Governor’s Advocacy Office (GAO).

You can complain directly to the GAO if you would rather not file your complaint with your branch office.

If you are not satisfied with how your complaint is being investigated and responded to (for example, you haven’t received a prompt

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response or the supervisor hasn't solved the problem), you should contact the GAO right away.

Governor's Advocacy Office: 1-800-442-5238

TIPS ON MEETING WITH DHS

It is best to take someone with you when you meet with the managers, and to calmly and clearly explain the problem. Make some notes before the meeting and use them instead of relying on your memory alone. *If you have any proof of your claims, such as papers or names of witnesses, be sure to give that proof to the supervisor.* If you've been keeping a log of your dealings with DHS, this is the time to use it.

When you do not understand something, ask for an explanation. *You also have the right to see the laws and rules the agency relies on.* If you think they may be wrong, tell them you wish to get a second opinion. Call the Public Benefits Hotline (1-800-520-5292) or your local Legal Aid office. Go to www.oregonlawhelp.org for a directory of legal aid programs.

If the manager agrees that you are right, ask what actions will be taken and how soon the problem will be corrected. Request that the manager put that statement *in writing*.

4. IS THERE A DIFFERENCE BETWEEN FILING A COMPLAINT AND ASKING FOR A HEARING?

Yes! There is a big difference. You should request a hearing whenever you disagree with your worker's decision to deny, reduce or end your benefits. A hearing is something like a trial at which the Administrative Law Judge (ALJ) from Oregon's Office of Administrative Hearings makes a decision after hearing both

sides of the story. It often takes several weeks to get a hearing, and more delay until the "final order" is mailed by the ALJ.

If you ask for a hearing within 10 days of the date the notice was mailed to you, you can usually keep your benefits coming in the same amount until you get the hearing decision or "final order" in the mail. *Asking for a hearing will protect your benefits in case filing a complaint doesn't work.*

5. WHEN SHOULD I ASK FOR A HEARING INSTEAD OF FILING A COMPLAINT?

You should ask for a hearing whenever your benefits are being reduced, denied or cut off. You should file a complaint when you feel you have been mistreated. If benefits have been denied, reduced or cut off AND you have been mistreated, then you may ask for a hearing AND file a complaint.

If you mistakenly file a complaint when a hearing request should have been filed, DHS has 2 working days to let you know that you need to file a hearing request.

OAR 407-005-0115(2)

6. WHAT IF FILING A COMPLAINT DOESN'T WORK FOR ME?

When a complaint doesn't work for you, call the **Public Benefits Hotline (1-800-520-5292)** or your local Legal Aid office. Go to www.oregonlawhelp.org for a directory of legal aid programs.

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