

## **Chapter IV-1 Request and Correspondence Intake**

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## **IV-1-1 Chapter Scope and Security**

### **A. Chapter Scope**

This chapter addresses filing requests for hearings and other case-related submissions, and is intended for correspondence related to appeals received from parties to an appeal, CMS and its contractors, and the DAB.

Other correspondence related to appeals or the OMHA program, including congressional and other non-party inquiries, are addressed in OCPM Division I provisions.

### **B. Suspicious Mailings**

If a package or envelope appears to present a physical security threat to an employee, the employee should alert the local manager immediately.

- **DO NOT** disturb the package.
- **DO NOT** pull the fire alarm.

More information on identifying suspicious packages and envelopes is available at:

<https://about.usps.com/securing-the-mail/suspiciousmail.htm>

More information on what to do once you have identified a suspicious package or envelope is available at:

[http://about.usps.com/publications/pub166/pub166fm\\_023.htm](http://about.usps.com/publications/pub166/pub166fm_023.htm)

## IV-1-2 Filing Requests and Case-Related Submissions

### A. Where to File

#### 1. New Request for Hearing — Standard.

The OMHA Central Operations Division is the entity designated to receive requests for hearing that are filed directly with OMHA, or filed with another entity and sent to OMHA, at the following address:

OMHA Central Operations  
200 Public Square, Suite 1260  
Cleveland, OH 44114-2316

For requests filed by enrollees or representatives of enrollees, the “Beneficiary Mail Stop” should be indicated on the envelope:

OMHA Central Operations  
Attn: Beneficiary Mail Stop  
200 Public Square, Suite 1260  
Cleveland, OH 44114-2316

**NOTE:** The enrollee is the only party that may request a hearing of a Part D reconsideration. See [I-4](#) and [I-5](#) regarding parties and representatives for additional guidance.

**NOTE:** Failure to direct an enrollee-initiated appeal to the beneficiary mail stop does not impact whether the appeal will be prioritized in accordance with [IV-2-3](#), but may delay processing the request.

#### 2. New Request for Hearing — Expedited.

An expedited Part D request for hearing may be made by telephone, by fax or by mail.

Expedited Part D appeals filed by mail should be sent to the following address:

OMHA Central Operations  
Attn: Expedited Part D Appeal  
200 Public Square Suite 1260  
Cleveland, OH 44114

Expedited Part D requests for hearing may be filed by telephone using the following dedicated Part D expedited appeal number: (866) 941-7012.

Expedited Part D requests for hearing may be filed by fax at the following dedicated Part D expedited appeal request fax number: (216) 615-4116.

**NOTE:** Only Part D expedited requests for hearing may be filed by telephone. A request for hearing for a non-Part D expedited appeal received at the dedicated Part D expedited telephone will not be processed. The requestor will be contacted and informed that the request must be refiled.

**3. Request for Expedited Access to Judicial Review (EAJR).**

For assigned appeals, a request for EAJR is directed to the assigned OMHA office and to the attention of the assigned ALJ. For example:

OMHA Miami Field Office  
Attn: ALJ John Doe  
100 S.E. 2<sup>nd</sup> Street, Suite 1660  
Miami, FL 33131

For unassigned appeals, a request for EAJR is directed to the OMHA Central Operations Division with “EAJR Mail Stop” indicated on the envelope:

OMHA Central Operations  
Attn: EAJR Mail Stop  
200 Public Square, Suite 1260  
Cleveland, OH 44114-2316

**NOTE:** Failure to direct a request for EAJR in accordance with the above does not affect the validity of the request or the time frame to respond to the request, but may delay processing the request.

**NOTE:** EAJR requests and all associated records (the case file and all materials filed with OMHA) must be sent to the HHS Departmental Appeals Board Appellate Division within five calendar days of receipt:

Department of Health & Human Services  
Departmental Appeals Board, MS 6127  
Appellate Division  
330 Independence Ave., S.W.  
Cohen Building, Room G-644  
Washington, DC 20201

If the EAJR request is submitted with a new request for hearing, the case file must be obtained before forwarding the package to the DAB Appellate Division.

**4. Request for Approval of Fees.**

For assigned appeals, a request for approval of fees is directed to the assigned OMHA office and to the attention of the assigned ALJ. For example:

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OMHA Miami Field Office  
Attn: ALJ John Doe  
100 S.E. 2nd Street, Suite 1660  
Miami, FL 33131

A request for approval of fees should not be filed for unassigned appeals.

- If a request for approval of fees is filed with a request for hearing, it will be retained with the request for hearing, for consideration by the assigned ALJ.
- If a request for approval of fees for an unassigned appeal is filed after the request for hearing is filed, OMHA Central Operations Division will scan the request and associate with the request for hearing.
- If a request for approval of fees is filed with Central Operations for an assigned appeal, it will be forward to the assigned adjudicator.

**NOTE:** Failure to direct a request for approval of fees in accordance with the above does not affect the validity of the request, but may delay processing the request.

### 5. Request to Withdraw Request for Hearing.

For assigned appeals, a request to withdraw a request for hearing is directed to the assigned OMHA office and to the attention of the assigned ALJ. For example:

OMHA Miami Field Office  
Attn: ALJ John Doe  
100 S.E. 2<sup>nd</sup> Street, Suite 1660  
Miami, FL 33131

For unassigned appeals, a request to withdraw a request for hearing is directed to the OMHA Central Operations Division with “Withdrawal Mail Stop” indicated on the envelope:

OMHA Central Operations  
Attn: Withdrawal Mail Stop  
200 Public Square, Suite 1300  
Cleveland, OH 44114-2316

**NOTE:** Failure to direct a request to withdraw a request for hearing in accordance with the above does not affect the validity of the request or the time frame to respond to the request, but may delay processing the request.

**6. Other Pending Case-Related Submissions (including documents / evidence), Motions, and Requests.**

**NOTE:** See IV-14 for post-decision submissions, motions, and requests.

For assigned appeals, other case-related submissions, motions, and requests are directed to the assigned OMHA office and to the attention of the assigned ALJ. For example:

OMHA Miami Field Office  
Attn: ALJ John Doe  
100 S.E. 2<sup>nd</sup> Street, Suite 1660  
Miami, FL 33131

**NOTE:** Misdirecting a case-related submission, motion, or request for an assigned appeal may impact the timeliness of the submission, motion, or request and result in the item not being considered, or a dismissal of the request for hearing.

If other case-related submissions, motions, and requests are filed with OMHA Central Operations, the following apply:

- If filed with a request for hearing, the materials will be retained with the request for hearing, for consideration by the assigned adjudicator.
- If filed after the request for hearing is filed, but prior to assignment, OMHA Central Operations will associate the materials with the appeal. If in paper format, the materials will be forwarded to the ALJ team upon assignment. If in electronic format, the materials will be associated with the electronic ALJ folder.
- If filed for an assigned appeal, the materials will be forwarded to the assigned adjudicator.

**B. Method of Filing**

1. Mail or hand-delivery of written filings is permitted in all instances.
2. An expedited Part D request for hearing may also be made through the dedicated Part D expedited telephone line or through the dedicated Part D expedited fax.
3. For filings other than the filing of an expedited Part D request for hearing, faxes do constitute a written submission, but are not encouraged for submission without prior contact with OMHA staff to ensure the filer's and OMHA's obligations to protect personally identifiable information are observed (for example, prior contact with OMHA staff will allow staff to immediately retrieve a facsimile from a shared fax machine).

4. E-mail is not permitted due to systems and information security constraints unless otherwise indicated.

### **C. Date of Receipt**

The date of receipt is the business day that the filing was received by OMHA.

- Mailed or hand-delivery filings must be delivered by the courier to the receiving office no later than the receiving office's normal close of business of 4:30 p.m., nationwide, to be considered filed on that day.
- If the document must be filed and an alternate method of filing is permitted (for example, the document may be filed by fax), the document must be received by the receiving office's normal close of business of 4:30 p.m., nationwide.
- If the document must be filed with OMHA Central Operations, the document must be received by 4:30 p.m. Eastern Time (standard or daylight, as applicable) to be considered filed on that day.

**NOTE:** When the last day for filing falls on a weekend, Federal holiday, or any other day that the receiving OMHA office is closed for business (for example, due to weather), the time frame for filing is automatically extended to the next business day that the OMHA office is open for business.

## **IV-1-3 Processing Requests and Submissions**

### **A. Documenting Receipt and Mailing Materials**

#### **1. Generally.**

##### **a. Written documents**

The business day that the filing was received by an OMHA office must be documented on the envelope (for untracked, mailed materials), or on the first page of a fax received at the dedicated Part D fax machine and the filed materials with a date stamp or an automated system equivalent.

- Handwriting is not permitted except when office management requires the initials of the individual date stamping the document.
- The date stamp should be placed in the upper right corner of the filing to the extent possible without obscuring any writing.

##### **b. Oral requests for hearing received**

The business day that the oral request for hearing was received by OMHA Central Operations is recorded along with all request for hearing information received.

#### **2. Multiple Documents.**

If there are multiple filings in a single mailing or delivery package (such as multiple requests for hearing, or a separate request for hearing with a position paper and set of medical records), each filing or group of documents (for example, a request for hearing and medical records or position paper) in the package must be date stamped.

#### **3. Electronic Media (compact discs, digital video discs, thumb drives)**

##### **a. Requests for hearing.**

Requests for hearing cannot be accepted on electronic media, as the filer's HIPAA obligations would require encryption and password protection, which cannot be accommodated in processing a request for hearing. Requests for hearing that are received on electronic media must be returned to the sender with a letter explaining the request must be re-submitted.

##### **b. Other materials.**

Other materials may be accepted on electronic media after the case is assigned. An index of the electronic file names and the contents of each file should be requested or made for the administrative record. If the media contains PII, electronic media passwords must be maintained in the case processing system.



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Due to systems limitations, if electronic media is submitted with a request for hearing or before an appeal is assigned, Central Operations must return the media to the sender with instructions to submit the media to the adjudicator after the appeal is assigned.

Exceptions:

- To avoid the need to return media that the filer failed to secure (that is, not encrypted and password-protected), the physical CD or its electronic files may be associated with the request for hearing.
- As set for in IV-2-4, priority appeals are assigned as received. Electronic media submitted with a request for hearing for a priority appeal will be associated with the request for hearing and sent directly to the assigned adjudicator.

### 4. Mailing Materials

#### a. Tracked Mail.

If a submission was mailed via tracked mail (for example, United Parcel Service (UPS), FedEx, or certified mail) the envelope does not need to be retained or copied for the record. Because the sender can reproduce tracked shipping information for future reference, this type of mailing material can be discarded.

#### b. Untracked Mail.

If a submission was mailed via untracked mail (for example, U.S. Postal Service first class mail), a copy of the envelope with the post mark or the actual envelope and any other mail processing information must retained with the envelope contents.

- If the contents apply to multiple appeals, a copy must be made for each appeal record.
- If the original envelope was larger than 8.5 by 11 inches, a copy can be made and reduced to 8.5 by 11 inches.

**NOTE:** If a copy is made, the original mailing material can be discarded.

## B. Misrouted Filings

### 1. Routed to Incorrect OMHA Office/Entity.

A filing that is misrouted to the incorrect OMHA office must be forwarded to the correct OMHA office within 14 calendar days of mail processing.

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- Example: If a request for hearing is mistakenly sent to an OMHA field office, the field office is responsible for sending the request to OMHA Central Operations within 14 calendar days of mail processing.
- Example: If a submission for an assigned appeal is filed with OMHA Central Operations, Central Operations is responsible for sending the filing to the appropriate field office within 14 calendar days after processing the mail.

**NOTE:** If a document contains PII, all PII precautions must be adhered to.

### **2. Routed to Incorrect HHS Component or Agency.**

A filing that is misrouted to OMHA and should have been filed with another component (for example, a CMS contractor or the DAB) or agency (for example, SSA) will be sent to the appropriate component or agency if sufficient information exists to determine the correct filing entity.

If insufficient information exists to determine the correct filing entity, the filing must be returned to the sender within 14 calendar days after processing the mail, with a letter from the receiving office director (that is, a Hearing Office Director, Central Operations Director, or Division Director), explaining the filing was misrouted and the materials are being returned to the sender.

**NOTE:** If a document contains PII, all PII precautions must be adhered to.

### **3. Documenting Receipt by Initial and Correct Office.**

The receipt date of a misrouted filing must be documented in accordance with subsection **A.1**, above, by the initial receiving office, and if forwarded to another OMHA office, that office.

*Example:* A request for hearing that is received by the Miami Field Office on March 30, 2015, would indicate a receipt date of March 30, 2015. The request must then be sent to the OMHA Central Operations office as a misrouted request within 14 calendar days. If OMHA Central Operations receives the request on April 15, 2015, OMHA Central Operations staff will indicate a receipt date of April 15, 2015.

### **4. Special Requirement for Misrouted Requests for Hearing.**

A request for hearing that was directed to an entity other than the entity specified in the appeal instructions (for example, the request was sent to an OMHA field office when the instructions state the request must be sent to OMHA Central Operations) must be acknowledged in accordance with the regulations. See [IV-2-3](#) for requirements related to acknowledging a misrouted request for hearing.

**NOTE:** If the acknowledgement is returned to Central Operations, the letter will be associated with the case file.

## **C. Identifying Priority Appeals and Special Routings**

### **1. Priority Appeals.**

Each OMHA office must have processes in place to identify and route filings for prioritized appeals (for example, requests filed by enrollees) within five business days of mail processing, regardless of whether a filing was directed to a mail stop or addressed with an attention line.

### **2. Special Routings.**

Each OMHA office must have processes in place to identify and route filings for special routings (for example, filings directed to individual teams, EAJR requests, Part D expedited requests, requests sent to mail stops) within five business days of mail processing, regardless of whether a filing was directed to a mail stop or addressed with an attention line.