

How to Fight a Denial of DSHS Public Assistance

Introduction

This publication explains your rights if you apply for cash, food stamps, medical, or child care assistance from the Washington State Department of Social and Health Services (DSHS) and their office denies you benefits. If you are already getting assistance and DSHS cuts or stops your benefits, see our publication [How to Fight a Termination or Reduction of DSHS Public Assistance](#). If DSHS asks you to repay benefits that you got in the past, see [How to Fight an Overpayment of Cash Assistance, Medical Assistance or Food Stamps](#). If your problem is with Social Security or Supplemental Security Income (SSI) benefits from the U.S. Social Security Administration, see [How to Fight Your SSI or Social Security Disability Denial](#), [How to Fight a Termination of Supplemental Security Income \(SSI\) or Social Security Disability](#), or [How to Fight an SSI or Social Security Overpayment Notice](#).

Why might DSHS deny me benefits?

The DSHS office might deny you because their worker thinks that:

- your monthly income or the assets you own (resources) are not within their guidelines
- you or your family members are not the kinds of persons (such as disabled or child) who can get that kind of benefit
- you or your family members are not citizens or a type of immigrant who can get that kind of benefit
- you have not given DSHS information they need or you have not done something that their rules require you to do.

How does DSHS have to tell me about the denial?

They must send you a written notice that tells you:

- what benefit was denied
- the reason why the facts in your case don't make you eligible
- the Washington Administrative Code(WAC) numbers of the rules that the worker used to decide your case, and
- how you can appeal if you disagree.

Why might DSHS's decision be wrong?

- The DSHS worker may not have known or understood all the important facts
- DSHS may have not used its rules correctly
- DSHS may not have taken all the right steps in deciding your case and giving you written notice
- DSHS may not have taken the steps it should considering any disability you have that makes it difficult for you to understand or follow their rules. See our publication [Necessary Supplemental Accommodation \(NSA\)](#).

What can I do if I disagree?

You may do any of the following or all three:

1. Ask for a fair hearing
2. Ask for a DSHS supervisor to review and explain the decision
3. Re-apply

Fair Hearing.

You have up to 90 days from the date of the denial notice to request a hearing.

You can ask for a fair hearing by writing the Office of Administrative Hearings at P.O. Box 42489, Olympia, WA 98504, or by phoning your nearest regional office (you'll find the appropriate phone number by going to www.oah.wa.gov/ and clicking on "Contact"). Or you may ask for one by calling or writing your local DSHS office. If it is an emergency, you may ask to have your hearing held as soon as possible by calling the OAH. This is called an "expedited" hearing. Otherwise, your hearing will probably be 20 days or more after you ask for it.

A hearing will be held and the written decision will be made by an Administrative Law Judge who does not work for DSHS. If you win your hearing, the Administrative Law Judge usually will order the benefits paid effective the day that DSHS denied them.

Note: If you are representing yourself, read our publication [Representing Yourself at a Fair Hearing](#). If you want free legal advice about your specific case, you may call CLEAR at 1-888-201-1014.

Explanation and Review.

Before or after asking for a hearing, you can ask your DSHS worker to explain more about the decision. You may learn that DSHS had the wrong information or was missing some information. If so, try to provide the information and ask the worker for any help you need to get it. If it would cost you money to get the information, ask DSHS to pay for it or if there is some other proof they would accept. You may also ask the worker's supervisor for a meeting to review the termination. If you write to the supervisor, he or she must write back within 10 days. If that doesn't change the decision, you can write the head (administrator) of the local DSHS office, who also must write back in 10 days. **If you disagree with what the worker, supervisor, and administrator decide, there is no more appeal unless you also request or have already requested a fair hearing.**

Reapply.

You can apply again for benefits at any time, even if you have requested a fair hearing. Reasons to reapply include:

- you think DSHS was correct to deny you before but your circumstances have changed
- you have more information that might change the decision, but your DSHS worker or supervisor refuses to consider it unless you apply again. You can apply again while also trying to use the new information in your fair hearing.

How do I prepare for a fair hearing?

See [Representing Yourself at a Fair Hearing](#) for steps you can take in any DSHS case to understand DSHS's reasons, to gather missing information, to try and settle your case, and to represent yourself if you must. The rules that DSHS lists in your notice and the others that it used in your case start with "WAC 388-". The rules about the hearing process itself are in WAC Chapter 388-002. You can find them at the DSHS office, your county law library, many public libraries and on the Internet at <http://www.leg.wa.gov/wac/>.

We have other publications to help you understand the rules for some benefit programs:

EMERGENCIES

- [Additional Requirements: Extra Money for Welfare \(TANF\) Clients](#)
- [Consolidated Emergency Assistance \(CEAP\): Extra Money for Needy Families](#)
- [Diversion Cash Assistance](#)

FOOD

- [Washington Basic Food Program](#)
- [Emergency Food Assistance?](#)

CASH

- [Welfare Benefits: TANF Rules and Eligibility](#)
- [GAU Denial for Medical Reasons](#)

HEALTH CARE

- [How Can I Get Medical Coverage or Help with Medical Bills](#)
- [QMB and SLMB programs: Help with Medicare Deductibles and Co-pays](#)
- [Questions and Answers on the COPES Program](#)
- [Questions and Answers on Medicaid for Nursing Home Residents](#)
- [Understanding Your CARE Tool Assessment](#)

OTHER BENEFITS

- [Working Connections Child Care](#)
- [Washington Telephone Assistance Program](#)

IMMIGRANTS RULES

- [Public Assistance for Immigrant Clients](#)

- [What is the Alien Emergency Medical Program?](#)
- and other publications on specific Government Benefits for Immigrants and Refugees

How can I seek legal help?

You can get assistance in preparing for your hearing by calling CLEAR, a toll-free intake, advice, and referral service run by the Northwest Justice Project. To contact CLEAR, call 1-888-201-1014 between 9:15 a.m. and 12:20 p.m., Monday through Friday.

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, February 2006.

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