

How to Fight a Termination or Reduction of DSHS Public Assistance

Intro

This explains your rights if DSHS tells you it will stop or cut back cash, food, medical, or childcare assistance they have been giving you. You must ask for an administrative hearing soon, usually **within ten days** of DSHS mailing the written notice, to keep getting benefits while you appeal.

Who should not use this?

- If DSHS has denied your new application, see [How to Fight a Denial of DSHS Public Assistance](#).
- If DSHS asks you to repay benefits 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, see [How to Fight Your SSI or Social Security Disability Denial](#), or [SSI Overpayments: What to do if you get a Notice of Overpayment from Social Security](#).

Why would DSHS stop or cut my benefits?

Your DSHS worker may believe one of these:

- Your monthly income or the assets you own (resources) have gone up enough

that you no longer qualify for any or as much benefits.

- Your situation may have changed so that you or your family members are no longer the kinds of persons (such as disabled or child) who can get that kind of benefit.
- You have not given DSHS info they need OR have not done something their rules say you must.

How does DSHS tell me their decision?

They must send you a written notice that says:

- The date your benefit will stop/go down. It must be at least ten days after DSHS mails the notice.
- Why the facts in your case require this change.
- The [Washington Administrative Code](#) (WAC) numbers of the rules the worker used to decide your case.
- How to appeal if you disagree.
- How to keep getting benefits during your appeal.

Why might DSHS 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 properly accommodated a disability you have that makes it hard for you to understand or follow their rules. See [DSHS Help for People with Disabilities: Necessary Supplemental Accommodations \(NSA\)](#).

What can I do if I disagree?

You can do any or all of these:

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

1. **Administrative Hearing.**

You have up to 90 days from the date of the notice to ask for a hearing. To make sure you will keep getting benefits, ask for the hearing right away, within ten days from the date of the termination/reduction notice. **

You can ask for an administrative hearing by writing or calling the Office of Administrative Hearings:

P.O. Box 42489
Olympia, WA 98504

At www.oah.wa.gov/, click on “Contact” for the phone number of your regional office. You can also ask for an administrative hearing by calling or writing your DSHS office.

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- ❖ If you ask for a hearing by contacting OAH and ask that to keep getting benefits until your hearing, you should also call your DSHS office and let them know you requested a hearing and continued benefits.
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If it is an emergency, call the OAH to ask to have your hearing as soon as possible. This is an “expedited” hearing. Otherwise, your hearing will probably be 20 days or more after you ask for it.

A judge who does not work for DSHS will hold the hearing and issue a written decision. If you win your hearing and you did not get benefits up to the hearing, the judge will order the benefits you lost returned to you.

***If you get continued benefits and lose your hearing, DSHS can bill you for an overpayment of up to two months’ worth of benefits.*

Note: [Representing Yourself at an Administrative Hearing](#) has more info. For free legal advice, call CLEAR at 1-888-201-1014.

2. **Ask for 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 DSHS had the wrong info or was missing info. If so, try to provide the info. Ask the worker for any help you need to get it. If it would cost you to get the info, ask DSHS to pay for it or if they would accept other proof.

You can also ask the worker’s supervisor for a meeting to **review** the termination. If you write the supervisor, they must write back within ten

days. If that does not change the decision, you can write the head (administrator) of the local DSHS office, who also must write back in ten days. **If you disagree with what the worker, supervisor, and administrator decide, your last option for appeal is to ask for an administrative hearing.**

3. Reapply.

You can apply again for benefits any time, even if you have asked for an administrative hearing.

Approval of a new application may not cover all the time since your termination. Reasons to reapply include:

- You think DSHS was right to terminate you. Your situation has since changed.
- You have more info that might change DSHS' decision. Your DSHS worker or supervisor will only consider it if you reapply. You can reapply while also trying to use the new info in your administrative hearing.

How do I get ready for an administrative hearing?

[Representing Yourself at an Administrative Hearing](#) explains what you can do in any DSHS case to understand DSHS's reasons, get missing info, try to settle your case, and represent yourself if needed. The rules DSHS lists in your notice and others it used in your case start with "[WAC 388-](#)". Find them at the DSHS office, your county law library, many public libraries, and online at <http://www.leg.wa.gov/wac/>.

What if I need legal help?

Call CLEAR, a toll-free intake, advice, and referral service run by the Northwest Justice Project. Call 1-888-201-1014 between 9:15 a.m. and 12:15 p.m., Monday through Friday.

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 September 2017.

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