



WorkFirst sanctions

❖ You can find all the fact sheets we link to here at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).

Should I read this?

This explains:

- Sanctions under the WorkFirst program.
- When and how to fight a sanction.

What is a sanction?

It is a penalty (punishment). It lowers the amount of TANF (Temporary Assistance for Needy Families) you get.

DSHS can sanction you, or stop your TANF altogether, if it decides you failed or refused without good reason to do everything in your Individual Responsibility Plan (IRP) or to meet some other WorkFirst requirements. [WAC 388-310-1600](#).

DSHS can also reduce how much you get in food stamps under that program's rules. [WAC 388-444-0055](#). Your medical assistance will not change with sanctions or if DSHS closes your TANF.

❖ Read [Questions and Answers about WorkFirst](#) and [WorkFirst Individual Responsibility Plans](#) to learn more. Get them at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org) or by calling CLEAR.

How will DSHS sanction me?

DSHS will lower your grant by the greater of one person's share or 40%, whichever is more, after you do not meet your IRP or WorkFirst requirements for 2 months. After 12 months in a row in sanction, DSHS will end (stop) your TANF grant.

Can I stop DSHS from ending my TANF grant after twelve months of sanction?

DSHS should let you fix (“cure”) the sanction before you reach the 12-month mark. See *“I cannot show the sanction is wrong. How else can I get it removed from my grant?”* below.

Why would DSHS sanction me?

DSHS may decide you “failed or refused” without “good reason” to do at least one of these:

- Give your DSHS case manager info they need to make or update your IRP.
- Go to appointments listed in your IRP.
- Show you are doing your best to do everything in your IRP.
- Take a job that complies with labor laws and does not have unreasonable working conditions, hours, demands, or conditions.

Something I had no control over kept me from going to a WorkFirst activity. What should I do?

Call your DSHS worker right away at the number on your IRP. Explain what happened. If you do not get your worker, leave a detailed voicemail. Ask the worker to put a note in your file. Keep a note for your own records explaining: of these:

- Why you could not go to the WorkFirst activity on that date.
- What you did to tell DSHS why you could not go.

I do not have an IRP yet. Can DSHS sanction me?

No. An IRP must be in place before DSHS can sanction you.

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- ❖ If you disagree with your IRP, do not sign it. To avoid a sanction for refusing to sign it, you should also ask right away for an Administrative Hearing regarding your IRP. Read [Representing Yourself at an Administrative Hearing](#) to learn more.
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English is not my primary language. I do not have a copy of my IRP in my language. Does that matter?

Yes. If you do not speak English well or at all, there must be a signed copy of your IRP in your primary language in your file. If not, DSHS must cancel (stop) the sanction.

What does DSHS have to do before it can sanction me?

DSHS must first send you a letter stating:

- What you did not do.
- That you have **10 days** to contact DSHS to explain what happened.
- That DSHS will schedule a “case staffing” meeting with you. At the meeting, they will decide if you had a good reason for not doing what your IRP says.

If you do not reply to DSHS’ letter within 10 days, DSHS will make its decision about the sanction without you. DSHS should make sure it has screened you for family violence and other barriers to you taking part. It will then use the information it has to decide if you were unable or able, but refused, to do what was required.

Should I go to the case staffing?

Yes. Your case manager will be there, and other people involved with your DSHS case. You can invite anyone you want to come with you. This is your chance to explain your good reason for not doing what DSHS thought you should.

What happens after the case staffing?

It depends.

If DSHS decides you had a good reason for not following the IRP, DSHS will not sanction you.

If DSHS decides you did not have a good reason they will put you into sanctions:

- DSHS will mail you a notice at least 10 days before you go into sanctions. It must be in your primary language and explain:
- When DSHS plans to lower your grant.
- How much it plans to lower your grant.
- What you were required to but did not do.
- How you can end the sanction.
- The rule or regulation that lets DSHS sanction you.
- How you can ask for an administrative hearing to appeal (fight) the sanction.
- DSHS will lower your TANF grant by the greater of one person's share or 40%.
- After you have been in sanctions for 12 months, you will lose TANF.

How can I show that DSHS should not have sanctioned me or stopped my TANF?

- You have done what WorkFirst requires. The DSHS worker did not understand the facts or use the rules correctly.
- DSHS did not give you 10 days' written notice to contact them to explain what happened before sanctioning you or closing your case.
- DSHS' notice before reducing your grant did not give you enough information.
Examples: It did not say what you did not do. It did not cite the correct rule.
- The IRP DSHS says you did not follow was never finished and signed. DSHS did not give it to you to read. It was not in your primary language.

- You had “good reason” (events not in your control) for not following your IRP.

What are some good reasons?

- Your health care provider writes a statement that a serious physical, mental or emotional condition interfered with your ability to follow your IRP.
- Someone threatened you with, or subjected you to, family violence. Read [How WorkFirst can help Survivors of Family Violence](#) to learn more.
- DSHS did not send you a notice telling you what information they needed or about the appointment you missed.
- You could not find affordable, appropriate childcare for your child under age 13 within a reasonable distance. Read [Working Connections Child Care](#) to learn more.
- Your transportation or childcare arrangements broke down. You could not make new ones in time.
- You could not find other care for a person age 13 or older who lives in your home who cannot care for themselves.
- You had an immediate legal problem, such as an eviction notice.
- You are or should have been designated a person receiving Equal Access (formerly “NSA”) services. DSHS failed to make this designation or failed to make or follow an accommodation plan. Read [DSHS Help for People with Disabilities: Necessary Supplemental Accommodations](#) to learn more.

I cannot show the sanction is wrong. Is there anything I can do?

If the sanction is for not following your IRP, **you must follow your IRP for four weeks in a row (28 calendar days)**. Then DSHS will lift (end) the sanction. Your grant will return to the normal amount, starting the month following your four weeks of following your IRP.

If the sanction is for not giving DSHS information needed to develop your IRP, DSHS should lift the sanction as soon as you give them the info.

What happens if my grant is in sanction status for twelve months?

DSHS will close your TANF case (stop your cash grant). They must first send you a notice in your primary language. The notice must say:

- What you failed to do.
- When they will end your grant.
- How to ask for an administrative hearing.
- How to end your penalties and keep your case open.

❖ **IMPORTANT:** If you disagree with the decision to close your TANF case, ask **right away** for an administrative hearing and continuing benefits. If you wait until after DSHS has closed your case, you will probably not be eligible to get continuing benefits.

I went off TANF while in sanction status before July 1, 2021. What if I need to get TANF again later?

If your case closes while you are in sanction status, and DSHS later reopens it, your case will not open in sanction status.

I went off TANF while in sanction status on or after July 1, 2021. What if I need to get on TANF again later?

If your case closed due to sanction, you will need to take part in work activity for four weeks in a row before you can get TANF again. Once you have met this requirement, your TANF benefit will start.

If your case closed for another reason while you were in sanction status and is reopened, you will reopen at your reduced grant level. **Example:** Your case closed while you were in month four of your reduction sanction. Your grant will be opened in month five of grant reduction sanction status.

They closed my TANF case due to sanctions. What if I need to get TANF again later?

You should reapply for TANF at DSHS.

What can I do if I disagree with the sanction or case closure?

You can ask for an administrative hearing within **90 days** of the date of the notice. Read [Representing Yourself at an Administrative Hearing](#) to learn more.

How do I ask for an administrative hearing?

You can call your local DSHS office, fill out a Hearing Request at your local DSHS office or write the Office of Administrative Hearings, P.O. Box 42488, Olympia, WA 98504.

Can I have the hearing right away?

If it is an emergency, call Office of Administrative Hearings at (360) 664-8717. Ask them to schedule an “expedited” hearing as soon as possible.

Can I keep getting benefits until the hearing?

Yes, if you ask for a hearing and “continuing benefits” within **10 days** of the date on the notice or **before the date the notice takes effect**. If the judge at the hearing upholds (agrees with and won’t change) the sanction or closure, you may have to repay this assistance. This is an “overpayment.” DSHS cannot collect more than sixty days of assistance. The amount of the overpayment will only be the amount of the sanction that the administrative law judge upheld.

I lost my hearing. I have an overpayment. How will DSHS collect?

DSHS can deduct only 5% of your TANF grant each month to collect the overpayment.

Get Legal Help

- **Apply online** with [CLEAR*Online](https://nwjustice.org/apply-online) - nwjustice.org/apply-online
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at nwjustice.org/apply-online.
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.
- **Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

CLEAR and 2-1-1 will provide interpreters.

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