



WorkFirst Sanctions

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from Noun Project

Part 1. Basics

A. Should I read this?

This explains:

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

B. 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 may also reduce your food assistance under food stamp program rules. [WAC 388-444-0055](#). Your medical assistance will not change with sanctions or if DSHS closes your TANF.

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- ❖ Read [Questions and Answers about WorkFirst](#) and [WorkFirst Individual Responsibility Plans \(IRPs\)](#). Get them at [WashingtonLawHelp.org](#) or by calling CLEAR.
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C. How will DSHS sanction me?

DSHS will lower your grant by the greater of one person's share or forty percent. After two months in a row in sanction, DSHS will end (stop) your TANF grant.

D. Can I stop DSHS from ending our TANF grant after two months of sanction?

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

E. 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 he needs to make or update your IRP. Read [WorkFirst Individual Responsibility Plans \(IRPs\)](#).
- 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.

F. Something outside my control 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 message. Ask the worker to put a note in your file. Keep a note for your own records explaining

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

G. 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](#).
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H. 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.

Part 2. If you are facing sanction

A. 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 **ten 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.
- That if you do not go to the case staffing, DSHS will schedule a visit to your home to review your circumstances. If there are safety or access issues, DSHS will schedule the “home visit” somewhere else.

If you do not reply to DSHS’ letter within ten 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 info it has to decide if you were unable or able, but refused, to do what was required.

B. Should I go to the case staffing?

Yes. Your case manager will also 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.

C. What happens after the case staffing or home visit?

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 and you went to the case staffing or home visit, they will put you into sanctions:

- DSHS will mail you a notice at least ten 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 the sanction.
 - How to keep getting your full grant during the appeal.
- DSHS will lower your TANF grant by the greater of one person's share or 40%.
- After you have been in sanctions for two months, you will lose TANF.

If DSHS decides you did not have a good reason for not following the IRP and you did NOT go to the case staffing or home visit, you will lose your TANF:

- DSHS will mail you a notice at least ten days before you lose TANF. It must be in your primary language and explain:
 - When DSHS plans to stop your TANF.
 - What you were supposed to but did not do.
 - How you can get TANF back.
 - The rule or regulation that lets DSHS sanction you.
 - How you can ask for an administrative hearing to appeal them closing your file.
 - How you can keep getting your full grant during the appeal.
- You will lose TANF on the first of the month after you got this notice.
- If you lose your TANF because DSHS says you did not have good cause for not following your IRP and you did not go to the case staffing or home visit, you should reapply for TANF and go to the DSHS interview by the end of the month when the TANF stopped. Your TANF will start again. You will be in sanction

status: DSHS will lower your TANF by the greater of one person's share or 40%. If you are in sanctions for two months, you will lose TANF.

Part 3. Fighting a sanction

A. 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 ten 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 info.
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.

B. 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 [WorkFirst and the Family Violence Amendment](#).
- DSHS did not send you a notice telling you what info they needed or about the appointment that you missed.
- You could not find affordable, appropriate childcare for your child under 13 within a reasonable distance. Read [Working Connections Child Care](#).
- 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](#).

C. I cannot show the sanction is wrong. How else can I get it removed from my grant?

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 with the month following your four weeks of following your IRP.

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

D. What happens if my grant is in sanction status for two 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 for continuing benefits.

E. I went off TANF while in sanction status. What if I need to get TANF again later?

If your case closes while you are in sanction status and DSHS later reopens it, you will start out where you left off in sanction. **Example:** You were in month one of sanction when your case closed. You will be in month two of sanction when DSHS approves you for TANF again.

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

You should reapply for TANF at DSHS. You will not get TANF again until the month after you have followed your new IRP for four weeks in a row.

G. 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](#).

H. 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.

I. 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.

J. Can I keep getting benefits until the hearing?

Yes, if you ask for a hearing and “continuing benefits” within **ten days** of the date on the notice or **before the date the notice takes effect**. If the judge at the administrative hearing upholds 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.

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

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

L. Get Legal Help

Outside King County: Call the CLEAR Hotline at 1-888-201-1014 weekdays from 9:15 a.m. - 12:15 p.m.

In King County: Call 211 for referral to a legal services provider weekdays from 8:00 am – 6:00 pm.

Persons 60 and Over can call CLEAR*Sr at 1-888-387-7111 (statewide).

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1-877-211-9274) using a relay service of their choice.

Apply online with CLEAR*Online - nwjustice.org/get-legal-help CLEAR and 211 will provide a free interpreter.

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