

How to Fight a Termination or Reduction of DSHS Public Assistance

Introduction

This publication explains your rights if the Washington State Department of Social and Health Services (DSHS) tells you that it will stop or cut back the cash, food stamps, medical, or child care assistance they have been giving you. The most important thing to know is that you must ask for a fair hearing soon, usually **within 10 days** of being mailed written notice, to keep getting your benefits while you appeal.

- If DSHS has denied your new application, see [How to Fight a Denial 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 stop or cut my benefits?

The DSHS office might terminate (stop) or reduce (cut the amount of) your benefits because their worker thinks that:

- your monthly income or the assets you own (resources) have increased enough that you no longer qualify for benefits, or as much benefits, under their guidelines;
- your situation may have changed so that you or your family members are no longer the kinds of persons (such as disabled or child) that can get that kind of benefit; or
- you have not given DSHS information they need or have not done something that their rules require you to do.

How does DSHS have to tell me about their decision?

They must send you a written notice that tells you:

- the date your benefit will stop or be cut, which must be at least 10 days after the notice is mailed;
- the reason why the facts in your case require this change;
- the [Washington Administrative Code](#) (WAC) numbers of the rules that the worker used to decide your case;
- how you can appeal if you disagree; and

- how you can keep getting benefits during your appeal.

Why might their 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 properly accommodated any disability you have that makes it difficult 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 may do any or all three of the following:

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

1. Fair Hearing.

You have up to 90 days from the date of the notice to request a hearing. However, if you want to make sure that you will continue to receive benefits ask for the fair hearing right away, within ten days from the date of the termination or reduction notice. **

You can ask for a fair hearing by writing or calling the Office of Administrative Hearings

P.O. Box 42489
Olympia, WA 98504

Check online at www.oah.wa.gov/. Click on “Contact” for the phone number of your regional office.

Or you may ask for a fair hearing by calling or writing your 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 a Judge who does not work for DSHS. If you win your hearing and you did not receive continued benefits pending 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 the continued benefits.*

Note: For more information about representing yourself at a fair hearing, see our publication titled [Representing Yourself at a Fair Hearing](#). For free legal advice about your specific case, 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 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, s/he must write back within 10 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 10 days. **If you disagree with what the worker, supervisor, and administrator decide, there is no more appeal unless you also request a fair hearing.**

3. Reapply.

You may apply again for benefits at any time, even if you have requested a fair hearing. But **approval of a new application often will not cover all the time since your termination.** Reasons for reapplying include:

- you think DSHS was correct to terminate you before but your circumstances have changed; **or**
- 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?

Our publication [Representing Yourself at a Fair Hearing](#) has steps you can take in any DSHS case to understand DSHS's reasons, gather missing information, try to settle your case, and 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-](#)". 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:

- Medical Assistance for Children and Families
 - [Your Rights Under Healthy Options](#)
- Medical and Long-Term Care Assistance for Aged or Disabled Adults
 - [The Medically-Needy Spenddown Program: Medicaid for Adults 65 and Older or Disabled Who Don't Get SSI](#)
 - [QMB and SLMB Programs - Help with Medicare Deductibles and Co-Payments](#)
 - [Questions and Answers on the COPES Program](#)
 - [Questions and Answers on Medicaid for Nursing Home Residents](#)
- Cash Assistance for Children and Families (TANF and WorkFirst)
 - [Welfare Benefits: TANF Rules and Eligibility](#)
 - [Temporary Assistance for Needy Families \(TANF\) for Teen Parents](#)
 - [TANF and WorkFirst for College Students](#)
 - [WorkFirst and the Family Violence Amendment](#)

- [WorkFirst for Working Families](#)
- [WorkFirst: Individual Responsibility Plans](#)
- [WorkFirst Sanctions](#)
- [Consolidated Emergency Assistance \(CEAP\): Extra Money for Needy Families](#)
- Food Assistance
 - [WA Basic Food Program](#)
 - Child Care Assistance
 - [Working Connections Child Care](#)

How can I seek legal help?

You can get help in getting ready 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 12:15 p.m., Monday through Friday.

7102EN

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, January 2012.

© 2012 Northwest Justice Project — 1-888-201-1014

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial purposes only.)