

WAC 246-780-060 Appealing a department decision. (1) Proceedings under this chapter shall be in accordance with chapter 246-10 WAC. If a provision of chapter 246-10 WAC conflicts with a provision of 7 C.F.R. 246.18, the federal regulation shall prevail.

(2) An authorized farmers market, authorized mobile market, authorized grower, authorized farm store, or an applicant has a right to appeal denial of payment, denial of an application, civil monetary penalty or disqualification from the program.

(3) If the action being appealed is a disqualification of an authorized farmers market or authorized mobile market, the authorized farmers market or authorized mobile market must cease processing farmers market benefits for all authorized growers effective the date specified in the notice of violation.

(4) The department may, at its discretion, permit the authorized farmers market, authorized mobile market, authorized grower, or authorized farm store to continue participating in the program pending the appeal hearing outcome. The authorized grower, authorized mobile market, or authorized farm store may be required to repay funds for WIC FMNP, WIC CVB, and SFMNP benefits redeemed while waiting for the outcome of the hearing, depending on the hearing outcome.

(5) A request for an appeal hearing must be in writing and must:

(a) State the issue raised;

(b) Contain a summary of the authorized farmers market's, authorized mobile market's, authorized grower's, authorized farm store's, or applicant's position on the issue, and indicate whether each charge is admitted, denied, or not contested;

(c) State the name and address of the authorized farmers market, authorized grower, authorized farm store, or applicant requesting an appeal hearing;

(d) State the name and address of the attorney representing the authorized farmers market, authorized mobile market, authorized grower, authorized farm store, or applicant if any;

(e) State the need for an interpreter or other special accommodations, if necessary; and

(f) Have a copy of the notice of violation from the department attached.

(6) A request for an appeal must be filed at the Department of Health, Adjudicative Clerk's Office, P.O. Box 47879, Olympia, WA 98504-7879. The request must be made within 28 days of the date the authorized farmers market, authorized grower, authorized farm store, or applicant received the department's notice of violation.

(7) The decision concerning the appeal must be made within 60 days from the date the request for an appeal hearing was received by the adjudicative clerk's office. The time may be extended if all parties agree.

[Statutory Authority: RCW 43.70.700, 43.70.120, and 43.70.703. WSR 26-06-076, s 246-780-060, filed 3/2/26, effective 4/2/26. Statutory Authority: RCW 43.70.120 and 43.70.700. WSR 25-09-026, s 246-780-060, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 43.70.700. WSR 10-21-068, § 246-780-060, filed 10/15/10, effective 11/15/10. Statutory Authority: RCW 43.70.120 and 7 C.F.R. 248. WSR 00-07-129, § 246-780-060, filed 3/22/00, effective 4/22/00. Statutory Authority: RCW 43.70.120. WSR 96-01-085, § 246-780-060, filed 12/18/95, effective 1/18/96.]