

Chapter 388-458 WAC NOTICES TO CLIENTS

Last Update: 8/23/23

WAC

388-458-0002 The department of social and health services (DSHS) sends you letters to tell you about your case.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-458-0001 How the department requests information or action needed when a client applies for assistance or reports a change. [Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 99-23-034, § 388-458-0001, filed 11/10/99, effective 1/1/00.] Repealed by WSR 01-16-087, filed 7/25/01, effective 9/1/01. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-458-0005 Adequate notice of denial or withdrawal. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-458-0005, filed 7/31/98, effective 9/1/98.] Repealed by WSR 01-16-087, filed 7/25/01, effective 9/1/01. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-458-0010 Adequate notice of adverse action to recipients. [Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 99-23-034, § 388-458-0010, filed 11/10/99, effective 1/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-458-0010, filed 7/31/98, effective 9/1/98. Formerly WAC 388-525-2520.] Repealed by WSR 01-16-087, filed 7/25/01, effective 9/1/01. Statutory Authority: RCW 74.08.090 and 74.04.510.
388-458-0015 Translation of written communications with limited English proficient clients. [Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-458-0015, filed 7/31/98, effective 9/1/98.] Repealed by WSR 01-16-087, filed 7/25/01, effective 9/1/01. Statutory Authority: RCW 74.08.090 and 74.04.510.

WAC 388-458-0002 The department of social and health services (DSHS) sends you letters to tell you about your case. (1) When you apply for or get benefits, we send you letters to tell you about your case.

(2) If you speak another language and cannot read English, we send letters to you in your primary language.

(3) There are seven basic types of letters that we send to you:

- (a) Withdrawals;
- (b) Denials;
- (c) Approvals;
- (d) Requests;
- (e) Changes;
- (f) Terminations; and
- (g) Other.

[Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 01-16-087, § 388-458-0002, filed 7/25/01, effective 9/1/01.]

WAC 388-458-0006 DSHS sends you a letter when you withdraw your application. (1) We send you a withdrawal letter when you tell us that you no longer want to apply for benefits.

(2) On this letter, we tell you:

- (a) The date we stopped processing your application; and
- (b) Your right to have your case reviewed or ask for a fair hearing.

(3) We send this letter to you according to the rules in chapter 388-406 WAC.

[Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 01-16-087, § 388-458-0006, filed 7/25/01, effective 9/1/01.]

WAC 388-458-0011 DSHS sends you a denial letter when you can't get benefits. (1) When we finish processing your application, we send you a denial letter if you cannot get benefits.

(2) On this letter, we tell you:

(a) Why you cannot get benefits;

(b) The rules that support our decision;

(c) The date we finished processing your application; and

(d) Your right to have your case reviewed or ask for an administrative hearing.

(3) If we are denying your application because you did not give us information that we needed and we cannot figure out if you are eligible without it, we also tell you in the letter:

(a) What to do so your application can be reconsidered;

(b) The date the information was due;

(c) That we cannot figure out if you can get benefits without that information; and

(d) That we will review your eligibility if:

(i) For cash assistance, you give us the information within thirty days of the date of the notice; or

(ii) For food assistance, you give us the information within sixty days of the date you applied.

(4) We send denial letters to you according to the rules in chapter 388-406 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090 and 7 C.F.R. 273.10 (g)(1)(ii). WSR 21-21-097, § 388-458-0011, filed 10/19/21, effective 11/19/21. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and 2011 1st sp.s. c 15. WSR 13-18-005, § 388-458-0011, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 7 C.F.R. § 273.2. WSR 12-19-036, § 388-458-0011, filed 9/12/12, effective 10/13/12. Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 01-16-087, § 388-458-0011, filed 7/25/01, effective 9/1/01.]

WAC 388-458-0016 DSHS sends you an approval letter when you can get benefits. (1) When we finish processing your application, we send you an approval letter if you can get benefits.

(2) On this letter, we tell you:

(a) What kind of benefits you get;

(b) If you applied for cash or food assistance, the amount of benefits you get;

(c) How long you will get the benefits; and

(d) Your right to have your case reviewed or ask for a fair hearing.

(3) We send approval letters to you according to the rules in chapter 388-406 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and 2011 1st sp.s. c 15. WSR 13-18-005, § 388-458-0016, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.08.090

and 74.04.510. WSR 01-16-087, § 388-458-0016, filed 7/25/01, effective 9/1/01.]

WAC 388-458-0020 You get a request letter when we need more information. (1) We send a request letter to you when we need some information from you or you have to do something in order to get benefits.

(2) On the letter, we tell you:

(a) What is needed;

(b) The date it is due; and

(c) What will happen to your benefits if you don't do what we ask.

(3) You get at least ten days to give us the information or do the activity. You can ask for more time if you need it.

(4) If the tenth day is on a weekend or holiday, you have until the next business day to do what we need.

(5) If we don't get what we need by the due date, we may deny, reduce, or stop your benefits. We will send you another letter if this happens.

[Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 01-16-087, § 388-458-0020, filed 7/25/01, effective 9/1/01.]

WAC 388-458-0025 We send you a change letter if the amount of benefits you are getting is changing. (1) We send you a change letter if the amount of benefits you are getting is changing.

(2) On the letter, we tell you:

(a) What your benefits are changing to;

(b) When the change is going to happen;

(c) The reason for the change;

(d) The rules that support our decision; and

(e) Your right to have your case reviewed or ask for a fair hearing.

(3) We send the letter to you before the change happens. If your benefits are going down, we give you at least ten days notice unless:

(a) You ask us to reduce your benefits;

(b) We have to change benefits for a lot of people at once because of a law change;

(c) For cash and food assistance:

(i) We told you on your approval letter that your benefits might change every month because you have fluctuating income; or

(ii) We already told you that the supplement would end.

(d) For cash assistance, we told you that the AREN payment described in WAC 388-436-0002 was for one month only.

(4) The ten-day count starts on the day we mail or give you the letter and ends on the tenth day.

(5) If we don't have to give you ten days notice, we send the letter to you:

(a) For cash assistance, by the date of the action.

(b) For food assistance, by the date you normally get your benefits.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and 2011 1st sp.s. c 15. WSR 13-18-005, § 388-458-0025, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.08.090

and 74.04.510. WSR 01-16-087, § 388-458-0025, filed 7/25/01, effective 9/1/01.]

WAC 388-458-0030 We send you a termination letter when your benefits stop. (1) We send you a termination letter when your benefits stop.

- (2) On the letter, we tell you:
 - (a) When your benefits are going to end;
 - (b) The reason they are ending;
 - (c) The rules that support our decision; and
 - (d) Your right to have your case reviewed or ask for a fair hearing.
- (3) We tell you at least ten days before your benefits end unless;
 - (a) You asked us to stop your benefits;
 - (b) We have proof that everyone in your assistance unit has moved to another state or will move to another state before the next benefits are issued;
 - (c) We have proof that everyone in your assistance unit has died;
 - (d) We have to change benefits for a lot of people at once because of a law change;
 - (e) We got returned mail from the post office that says you have moved and we do not have a forwarding address; or
 - (f) For food assistance, your certification period is ending.
- (4) The ten-day count starts on the day we mail or give you the letter and ends on the tenth day.
- (5) If we don't have to give you ten days notice, we send the letter to you:
 - (a) For cash assistance, by the date of the action.
 - (b) For food assistance, by the date you normally get your benefits.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and 2011 1st sp.s. c 15. WSR 13-18-005, § 388-458-0030, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.08.090, 74.04.057, and 74.04.510. WSR 02-14-086, § 388-458-0030, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 01-16-087, § 388-458-0030, filed 7/25/01, effective 9/1/01.]

WAC 388-458-0035 Why do you give me ten days notice before you reduce or stop my benefits? (1) We give you ten days notice before reducing or stopping your benefits so that you have some time to either:

- (a) Get the needed information to us; or
 - (b) Prepare yourself and your family for the change.
- (2) You can also use this time to request a fair hearing.

[Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 01-16-087, § 388-458-0035, filed 7/25/01, effective 9/1/01.]

(Effective until November 1, 2023)

WAC 388-458-0040 What happens if I ask for a fair hearing before the change happens? (1) If you ask for a fair hearing within the ten-day notice period, you may keep getting the amount of benefits you were getting before the change. This is called continued benefits.

(2) If the tenth day falls on a weekend or holiday, you have until the next business day to ask for a fair hearing and still be able to get continued benefits.

(3) If the tenth day happens before the end of the month, you have until the end of the month to ask for a fair hearing and still be able to get continued benefits.

(4) For food assistance, you cannot get continued benefits if your certification period is ending.

(5) If you get continued benefits, you keep getting them through the end of the month the fair hearing decision is mailed unless:

(a) You:

(i) Tell us in writing that you do not want continued benefits;

(ii) Withdraw your fair hearing request in writing; or

(iii) Do not follow through with the fair hearing process.

(b) An administrative law judge (ALJ) tells us in writing to stop your continued benefits before the hearing.

(c) For food assistance, your certification period ends.

(6) After the fair hearing, you have to pay back continued benefits you get, as described in chapter 388-410 WAC, if the ALJ agrees with our decision.

[Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 01-16-087, § 388-458-0040, filed 7/25/01, effective 9/1/01.]

(Effective November 1, 2023)

WAC 388-458-0040 What happens if I ask for an administrative hearing before the change happens? (1) If you ask for an administrative hearing within the 10-day notice period, you may keep getting the amount of benefits you were getting before the change. This is called continued benefits.

(2) If the 10th day falls on a weekend or holiday, you have until the next business day to ask for an administrative hearing and still be able to get continued benefits.

(3) If the 10th day happens before the end of the month, you have until the end of the month to ask for an administrative hearing and still be able to get continued benefits.

(4) For food assistance, you cannot get continued benefits if your certification period is ending.

(5) For diaper related payments, you can get continued benefits if you meet the conditions of WAC 388-494-0010(3).

(6) If you get continued benefits, you keep getting them through the end of the month the administrative hearing decision is mailed unless:

(a) You:

(i) Tell us in writing that you do not want continued benefits;

(ii) Withdraw your administrative hearing request in writing; or

(iii) Do not follow through with the administrative hearing process.

(b) An administrative law judge (ALJ) tells us in writing to stop your continued benefits before the hearing.

(c) For food assistance, your certification period ends.

(7) After the administrative hearing, you have to pay back continued benefits you get, as described in chapter 388-410 WAC, if the ALJ agrees with our decision.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 2022 c 100. WSR 23-17-166, § 388-458-0040, filed 8/23/23, effective 11/1/23. Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 01-16-087, § 388-458-0040, filed 7/25/01, effective 9/1/01.]

WAC 388-458-0045 Will I get other kinds of letters? Yes. We also send you letters in special circumstances. These letters are specific to your situation. Here are some examples:

- (1) Appointment letters;
- (2) Overpayment letters; and
- (3) Fair Hearing letters.

[Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 01-16-087, § 388-458-0045, filed 7/25/01, effective 9/1/01.]