

WAC 388-02-0220 What rules and laws must an ALJ and review judge apply when conducting a hearing or making a decision? (1) ALJs and review judges must first apply the department rules adopted in the Washington Administrative Code.

(2) If no department rule applies, the ALJ or review judge must decide the issue according to the best legal authority and reasoning available, including federal and Washington state constitutions, statutes, regulations, and court decisions.

(3) When applying program rules regarding the substantive rights and responsibilities of the parties (such as eligibility for services, benefits, or a license), the ALJ and review judge must apply the program rules in effect on the date of the department action, unless otherwise required by other rule or law. If the department amends its notice of the action, the ALJ and review judge must apply the rules in effect on the date the action was taken, unless otherwise required by other rule or law.

(4) When applying program rules regarding the procedural rights and responsibilities of the parties, the ALJ and review judge must apply the rules that are in effect on the date the procedure is followed.

(5) Program rules determine the amount of time the department has to process your application for services, benefits or a license.

(6) The ALJ and review judge must apply the rules in this chapter beginning on the date each rule is effective.

(7) If you have a dispute with the department concerning the working connections child care (WCCC) program, the ALJ and review judge must apply the hearing rules in this chapter and not the hearing rules in chapter 170-03 WAC. The rules in this chapter apply to disputes between you and the department of social and health services.

[Statutory Authority: RCW 34.05.310(4) [34.05.020]. WSR 12-10-036, § 388-02-0220, filed 4/26/12, effective 5/27/12. Statutory Authority: RCW 34.05.020, 34.05.220. WSR 11-04-074, § 388-02-0220, filed 1/31/11, effective 3/3/11. Statutory Authority: RCW 34.05.020. WSR 00-18-059, § 388-02-0220, filed 9/1/00, effective 10/2/00.]