

**WAC 246-790-570 Participant appeal process.** (1) An applicant or WIC participant may file an appeal of the department's decision to deny an applicant, establish a claim, or disqualify a person from receiving WIC benefits.

(2) At the time the department determines an applicant ineligible, issues a disqualification, or establishes a claim, the department shall provide written notice of appeal rights informing the person of how to file the appeal and that the person may represent themselves personally or be represented by a spokesperson. The spokesperson does not need to be a member of the Washington state bar.

(3) The applicant or WIC participant must file the appeal within sixty calendar days of service of the notice of adverse action. Proceedings under WAC 246-790-500 through this section must be in accordance with 7 C.F.R. Sec. 246.9 and chapter 246-10 WAC including, at a minimum:

(a) A hearing conducted by an impartial official;

(b) A scheduling order that sets the time and dates of steps in the hearing process;

(c) A prehearing conference in which the hearing official explains the procedures and establishes the conduct at hearing;

(d) A hearing in which the appellant and the department's WIC program can present evidence and cross-examine witnesses.

(4) Participants who appeal the termination of benefits within fifteen days of service of the adverse action notice must continue to receive program benefits until the hearing official reaches a decision or the certification period expires, whichever occurs first. This does not apply to applicants denied benefits at initial certification, participants whose certification periods have expired, or participants who become categorically ineligible for benefits. Applicants who are denied benefits at initial certification, participants whose certification periods have expired, or participants who become categorically ineligible during a certification period may appeal the denial of WIC certification or disqualification within sixty days, but must not receive benefits while awaiting the hearing or its results.

(5) If a provision of chapter 246-10 WAC conflicts with 7 C.F.R. Sec. 246.9, federal regulation prevails.

[Statutory Authority: RCW 43.70.120. WSR 17-08-020, § 246-790-570, filed 3/27/17, effective 4/27/17.]