



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103 (7/1/89)**

Agency: Department of Services for the Blind

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: May 12, 1990 *BJ*

(2) Purpose: Housekeeping

(3) Citation of existing rules affected by this order:

Repealed:

Amended: 67-25-560      67-25-570

Suspended:

(4) Authority for adoption:

Statute: 74.18 RCW

Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 89-22-118 on November 1, 1989 (date).

Describe any changes other than editing from proposed to adopted version:

67-25-560(2) Replace the words "in writing" with "by signature".

67-25-570(4) Add "client and/or their designated representative and to the" after "The Administrative law judge will make an initial decision and forward

(5.2) **EMERGENCY RULE ONLY** this initial decision to the...

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes  No If yes, explain:

(6) Effective date of rule:

**Permanent Rules**

**Emergency Rules**

30 days after filing

Immediately

Other (specify) \_\_\_\_\_ \*

Later (specify) \_\_\_\_\_

\* (If less than 30 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAY 11 1990

TIME: 1:59 *AM*

WSR: 90-11-047

NAME (TYPE OR PRINT)

Bonnie Jindra

SIGNATURE

*Bonnie Jindra*

TITLE

Assistant Director - Administration

DATE

5/11/90

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-560 ADMINISTRATIVE REVIEW. (1) Any client who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the department or its agents with regard to his/her vocational rehabilitation case may file a request with the department for, and shall thereupon receive, an administrative review (~~and redetermination of that decision or action~~) by the director or his/her designee, or a fair hearing by an administrative law judge.

(2) ~~A client who requests ((for)) an administrative review ((may be made either verbally or in writing and may be filed in any office of the department. A verbal request shall promptly be reduced to writing)) shall indicate by signature that he/she has been informed of administrative review and fair hearing rights and procedures, and that, if he/she elects an administrative review, the forty-five day time period for scheduling a fair hearing is waived until conclusion of the administrative review process.~~

(3) A request for administrative review may be made by the client, a parent or guardian, or by an advocate working in the client's interest and with the client's permission. The request may be made to any agency representative either verbally or in writing. A verbal request shall promptly be reduced to writing by the agency representative receiving the request.

(4) All requests for administrative review shall:

- (a) Specify the date of the decision or action being appealed;
- (b) Specify as precisely as possible the issue to be resolved by the administrative review;
- (c) Set forth the address of the client or of his/her representative; and
- (d) Be signed by the client or by his/her representative.

~~((4))~~ (5) A request for an administrative review must be made within sixty days after receiving notice from the department of the decision or action by the department which is the basis for the request for review.

~~((5))~~ (6) An administrative review and redetermination shall be provided by the director's designee, and shall be provided within thirty days after the submission of the request for review.

~~((6))~~ (7) ~~within ((fifteen))~~ twenty-one days after the conclusion of the administrative review the designee shall certify his/her findings to the client in writing specifying in reasonable detail the reasons for his/her findings and informing the client of his/her right to request and receive a fair hearing if dissatisfied with those findings.

AMENDATORY SECTION (Amending Order 88-1, filed 4/11/88)

WAC 67-25-570 FAIR HEARING. (1) Any client who feels aggrieved by or is otherwise dissatisfied with ((the finding)) any decision or action by the department or its agents with regard to his/her vocational rehabilitation plan or is dissatisfied with the results of an administrative review may request from the department, and shall thereupon be granted, a fair hearing. A client who desires a fair hearing shall request such hearing within ((thirty)) sixty days after ((receiving notice from)) the date of the decision or action by the department ((of the finding of the administrative review)) which is the basis for the request for fair hearing.

(2) A request for fair hearing shall be sent to the Director, Department of Services for the Blind at 521 East Legion Way, Olympia, WA 98504, who will forward it to the office of administrative hearings.

(3) The office of administrative ((law judge)) hearings will ((make a proposed decision to the director of the department of services for the blind who will make a final determination)) schedule a

fair hearing within forty-five days of the receipt of the request for fair hearing.

(4) (The client will be notified in writing by the director within fifteen days of receipt of the administrative law judge's proposed decision.) The administrative law judge will make an initial decision and forward this initial decision to the client and/or their designated representative and to the director of the department of services for the blind, who will make a final determination.

(5) The director will notify the client within fifteen days of receipt of the administrative law judge's initial decision that the initial decision is accepted as the final determination, or, the director will notify the client within fifteen days of receipt of the administrative law judge's initial decision that the director will review the initial decision of the administrative law judge.

(6) If the director fails to notify the client of his/her intent to review the administrative law judge's decision within fifteen days, the administrative law judge's decision becomes the final determination.

(7) If the director decides to review the decision of the administrative law judge, the client, or, if appropriate, the client's parent, legal guardian, or other representative shall be provided the opportunity for submission of additional evidence and information relative to the final determination.

(8) The director will make a final determination within thirty days after the date of the decision of written notice of intent to review the administrative law judge's initial decision.

(9) The director will base the decision to review the decision of the administrative law judge on one or more of the following criteria:

(a) The initial decision appears arbitrary, capricious, or otherwise unreasonable;

(b) The initial decision does not appear to be supported by substantial evidence;

(c) The impartial hearing officer has not given adequate and appropriate consideration to federal statute and regulations, the department state plan, the department procedures manual, state agency options in service delivery authorized by federal statute, restrictions on service provision specified by federal statute, or approved state or federal policies.

(10) A client who is dissatisfied with the final result of the fair hearing process may file a petition for review in superior court.