

WAC 110-15-2465 Administrative hearings for early head start-child care partnership slots. (1) Consumers have a right to request a hearing under chapter 388-02 WAC on any action affecting benefits except for mass changes resulting from a change in policy or law.

(2) Early head start-child care partnership slots providers may request hearings under chapter 388-02 WAC only for overpayments.

(3) To request a hearing, a consumer or partnership-slot provider:

(a) Contacts the DSHS office which sent them the notice; or

(b) Writes to the Office of Administrative Hearings, P.O. Box 42489, Olympia, WA 98504-2489; and

(c) Makes the request for a hearing within:

(i) Ninety days of the date a decision is received for consumers;

(ii) Twenty-eight days of the date a decision is received for providers.

(4) The office of administrative hearings administrative law judge enters initial or final orders as provided in WAC 388-02-0217. Initial orders may be appealed to a DSHS review judge under chapter 388-02 WAC.

(5) A consumer may receive benefits pending the outcome of a hearing if he or she requests the hearing:

(a) On or before the effective date of an action; or

(b) No more than ten days after DSHS sends the consumer a notice of adverse action. As used in this section, "adverse action" means an action to reduce or terminate a consumer's benefits.

(6) If a consumer loses a hearing, any benefit that a consumer uses between the date of the adverse action and the date of the hearing decision is an overpayment to the consumer.

(7) A consumer may not receive benefits pending the outcome of a hearing if he or she requests payment to a provider who is not eligible under WAC 170-290-0125.

(8) A consumer may receive benefits for another eligible provider, pending the outcome of the hearing.

[WSR 18-14-078, recodified as § 110-15-2465, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2465, filed 11/25/15, effective 12/26/15.]