

WSR 21-21-097

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 19, 2021, 4:32 p.m., effective November 19, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending WAC 388-458-0011 DSHS sends you a denial letter when you can't get benefits, to more accurately align rule language with federal Supplemental Nutrition Assistance Program regulations. The amendments support processes and procedures when mailing a denial notice to a client who has not provided information by day 30 after application.

Citation of Rules Affected by this Order: Amending WAC 388-458-0011.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Other Authority: 7 C.F.R. 273.10 (g)(1)(ii).

Adopted under notice filed as WSR 21-12-076 on May 28, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 19, 2021.

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Rules Coordinator

SHS-4869.1

AMENDATORY SECTION (Amending WSR 13-18-005, filed 8/22/13, effective 10/1/13)

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 ~~((can't))~~ cannot figure out if you are eligible without it, we also tell you ~~((on))~~ in the letter:

(a) What ~~((information you didn't give to us))~~ to do so your application can be reconsidered;

(b) The date ~~((we asked for))~~ the information ~~((and the date it))~~ was due;

(c) That we cannot figure out if you can get benefits without ~~((this))~~ 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, 74.08.090, 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.]