WAC 110-15-0280 Right to request an administrative hearing.

((1) WCCC consumers have a right to request a hearing under chapter 388-02 WAC on any action affecting WCCC benefits.

(2) Child care providers may request hearings under chapter 388-02 WAC only for WCCC overpayments. A provider's burden of proof is a preponderance of the evidence.

(3) To request a hearing, a consumer or 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; or
   (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) To request a hearing under the seasonal child care program, see WAC 170-290-3860 and 170-290-3865.)

(1) Consumers: Consumers who disagree with DCYF's decisions affecting their WCCC benefits have administrative hearing rights under chapter 110-03 WAC.
(a) Consumers' requests for hearing:
(i) May be made by contacting DCYF in-person, by telephone, or by serving DCYF with written requests that are also filed with the office of administrative hearings (OAH) as described in WAC 110-03-0060 and 110-03-0080.
(ii) Must include the information and documents described in WAC 110-03-0050(2), if requests are made in writing.
(iii) Must be made within 90 days of the date the consumers received the decisions being appealed.
(b) After completing the administrative hearings, OAH issues initial orders pursuant to WAC 110-03-0460 and 110-03-0480. Consumers who disagree with initial orders may request reviews as provided in WAC 110-03-0510 through 110-03-0550.
(c) When consumers request reviews of the initial orders, review judges issue final orders after considering the requests for review, initial orders, and hearing records. Consumers who disagree with final orders may request reconsiderations as provided in WAC 110-03-0570 through 110-03-0580 or seek judicial reviews as described in WAC 110-03-0590.

(2) Providers: Child care providers who disagree with WCCC overpayment decisions may request administrative hearings pursuant to RCW 43.20B.675 and chapter 388-02 WAC.
(a) To request administrative hearings, child care providers must:
(i) Make their hearing requests in writing and include the information and documents described in RCW 43.20B.675(3) and WAC 388-02-0105 including, but not limited to, copies of the overpayment notices and statements explaining why they believe the overpayment notices are incorrect; and
(ii) Serve the hearing requests on the Department of Social and Health Services, Office of Financial Recovery, P.O. Box 9501, Olympia, WA 98507-9501, using certified mail return receipt requested or other manner that provides proof of receipt within 28 days of the date they received the overpayment notices being appealed.

(b) After completing the administrative hearings, OAH will issue final orders under WAC 388-02-0217. Child care providers who disagree with final orders may request reconsideration as described in WAC 388-02-0605 through 388-02-0635. Providers may also seek judicial review of final orders as described in WAC 388-02-0640 through 388-02-0650.
PROPOSED RULE MAKING

CR-102 (December 2017)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

| Agency: Department of Children, Youth, and Families |
| ☒ Original Notice |
| ☐ Supplemental Notice to WSR _____ |
| ☐ Continuance of WSR _____ |
| ☐ Preproposal Statement of Inquiry was filed as WSR _____; or |
| ☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or |
| ☒ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or |
| ☐ Proposal is exempt under RCW _____ |

| Title of rule and other identifying information: (describe subject) WAC 110-15-0280 Right to request an administrative hearing. |

<table>
<thead>
<tr>
<th>Hearing location(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: November 9, 2021</td>
</tr>
<tr>
<td>Time: telephonic</td>
</tr>
<tr>
<td>Location: (be specific)</td>
</tr>
<tr>
<td>Comment: Oral comments may be made by calling (360) 902-8084 and leaving a voicemail that includes the comment and an email or physical mailing address where DCYF will send its response. Comments received through and including November 9, 2021 will be considered.</td>
</tr>
</tbody>
</table>

| Date of intended adoption: November 10, 2021 (Note: This is NOT the effective date) |

Submit written comments to:
Name: DCYF Rules Coordinator
Address: P. O. Box 40975
Email: dcyf.rulescoordinator@dcyf.wa.gov
Fax: [ ]
Other: submit comments online at https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online
By (date) November 9, 2021

Assistance for persons with disabilities:
Contact DCYF Rules Coordinator
Phone: (360) 902-7956
Fax: [ ]
TTY: [ ]
Email: dcyf.rulescoordinator@dcyf.wa.gov
Other: [ ]
By (date) November 5, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: For families and child care providers participating in the Working Connections and Seasonal Child Care subsidy programs, better clarify the administrative hearing process for subsidy benefit and payment decisions. The proposal better clarifies the separate legal authority for the adjudicative process that participating families and providers must follow, better explains what must be included with the hearing request, and better explains review rights for families and providers who disagree with the administrative hearing orders.
**Reasons supporting proposal:** The proposal explains the hearing rights more clearly than the current rule for program participants who disagree with DCYF decisions impacting benefits or child care payments, including how to timely request a hearing and what to include with the request.

**Statutory authority for adoption:** RCW 34.05.229 and 43.216.065

**Statute being implemented:** RCW 43.216.135 through 43.216.145

**Is rule necessary because of a:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Law?</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Federal Court Decision?</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>State Court Decision?</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Department of Children, Youth, and Families

<table>
<thead>
<tr>
<th>Type</th>
<th>Private</th>
<th>Public</th>
<th>Governmental</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Name of agency personnel responsible for:**

<table>
<thead>
<tr>
<th>Task</th>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting</td>
<td>Toni Sebastian</td>
<td></td>
<td>(206) 200-0824</td>
</tr>
<tr>
<td>Implementation</td>
<td>DCYF</td>
<td>statewide</td>
<td></td>
</tr>
<tr>
<td>Enforcement</td>
<td>DCYF</td>
<td>statewide</td>
<td></td>
</tr>
</tbody>
</table>

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

A cost benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328(5)(i). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.
Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:
This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):
☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:
☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.
☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.
☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:
   □ RCW 34.05.310 (4)(b) (Internal government operations)
   □ RCW 34.05.310 (4)(c) (Incorporation by reference)
   □ RCW 34.05.310 (4)(d) (Correct or clarify language)
   ☒ RCW 34.05.310 (4)(e) (Dictated by statute)
   □ RCW 34.05.310 (4)(f) (Set or adjust fees)
   □ RCW 34.05.310 (4)(g) (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)
☐ This rule proposal, or portions of the proposal, is exempt under RCW ____. 
Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES
If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?
☐ No   Briefly summarize the agency’s analysis showing how costs were calculated. _____
☐ Yes  Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: October 4, 2021
Name: Brenda Villarreal
Title: DCYF Rules Coordinator

Signature:  

Page 3 of 3