



Substantive Law

OAH Training for Suitable Representatives

What is the issue in the case?

Where can I read the law?

Where can I find more about the law if needed?

Where can I find other resources?

Introduction

- Resources available
- Everyone has access to the same information

Topics in this module

- What is the issue in the case?
- Where can I read the law?
- Where can I find more about the law if needed?
- Where can I find other resources?

OAH Hearings

- Informal process
- Most do not have attorneys



Judge's Role

- Judge may
 - Develop the facts
 - Complete the record
 - Ask questions
 - Request additional exhibits
 - WAC 10-08-200(8) and (9)
- Role of judge
 - Conduct a fair hearing



Not an Expert in the Law

- Suitable Representatives
 - May not be attorneys
 - Attorney practicing in another area of law
- Not expected to become an expert in the law
- ALJ is the one expected to have a “demonstrated knowledge of administrative law and procedures.” RCW 34.12.030
- Information about the law available to all parties

Identify Case Issues



- Talk with your client
- Review
 - Agency's decision
 - Request for hearing
 - Notice of Hearing
 - Issue statement

Identify Case Issues



- Talk with agency representative
 - Read hearing report / opening brief
- Request prehearing conference
- Agency obligated to inform
 - Facts and law used in decision

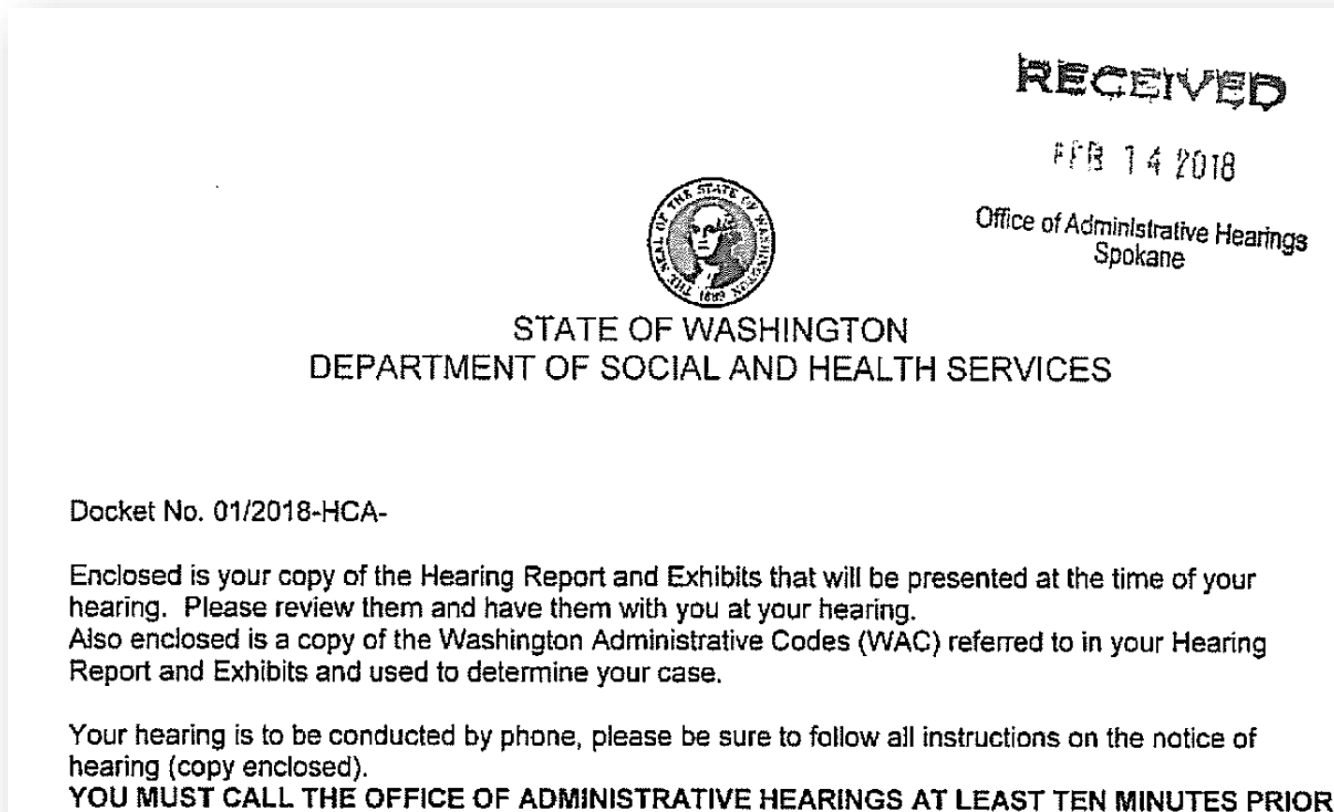
Hearing Packet

- Hearing Packet
 - Cover letter
 - List of documents
 - Expected participants
 - Statement summarizing agency's position
 - Statement of issues
 - WAC citations
 - Fact statement
 - Copies of the law



Hearing Packet

- Example



State Agency Websites

Examples from the DSHS and HCA websites that you may find helpful:

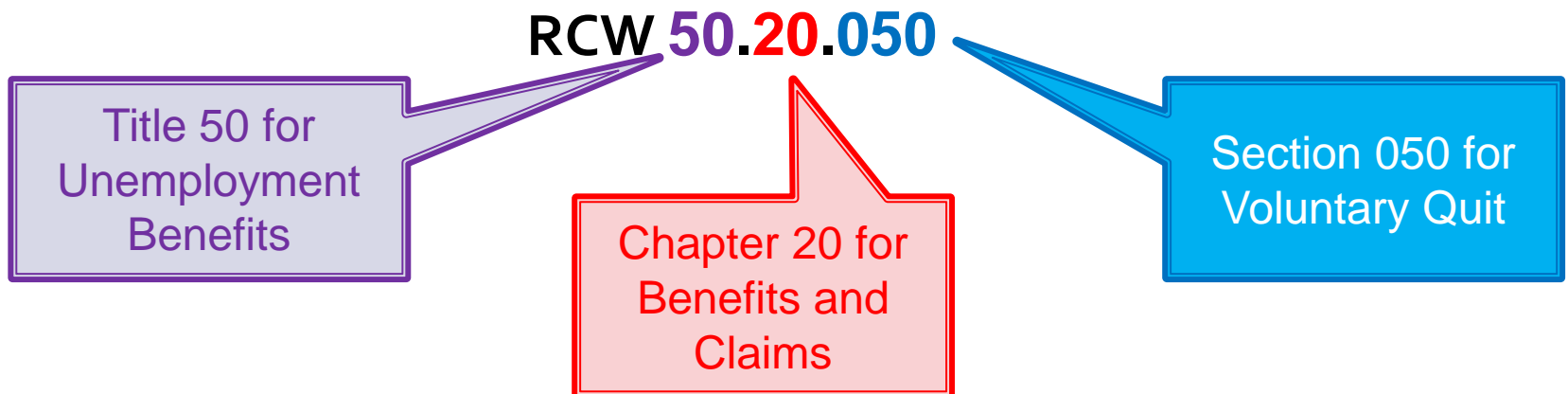
- Agency forms (Rights & Responsibilities)
 - HCA Forms
 - Administrative Hearing Rights and Deadlines <https://www.hca.wa.gov/assets/free-or-low-cost/12-506.pdf>
 - Same for DSHS Classic Medicaid: <https://www.hca.wa.gov/assets/free-or-low-cost/12-506.pdf>
 - Health Care Coverage Rights and Responsibilities <https://www.hca.wa.gov/assets/free-or-low-cost/18-003.pdf>
 - Same for Classic Medicaid <https://www.hca.wa.gov/assets/free-or-low-cost/18-011.pdf>
 - Same Tailored Supports for Older Adults <https://www.hca.wa.gov/assets/free-or-low-cost/18-009.pdf>
 - DSHS Forms
 - Your DSHS Cash or Food Benefits https://www.dshs.wa.gov/fsa/forms?field_number_value=14-520&title=&=Apply
 - Your Cash & Food Assistance Rights and Responsibilities <https://www.dshs.wa.gov/sites/default/files/FSA/forms/pdf/14-113.pdf>
 - Basic Food Program: Issuance Tables & Maximum Allowable Monthly Gross & Net Income Standards, <https://www.dshs.wa.gov/sites/default/files/FSA/forms/pdf/12-006.pdf>
 - Basic Food Eligibility Requirements <https://www.dshs.wa.gov/sites/default/files/FSA/forms/pdf/11-034b.pdf>

Common Hearings

- 95% of OAH hearings are with:
 - Department of Social and Health Services
 - Department of Children, Youth, and Families
 - Employment Security Department
 - Health Care Authority
 - Labor & Industries
 - Office of Superintendent of Public Instruction
- Access Washington

The Law

- www.oah.wa.gov
 - [Legal Research & Resources](#)
- RCWs & WACs
 - [Office of the Code Reviser](#)
 - Organized by title, chapter, and section



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WAC 388-14A-3205

Title 388 for
DSHS

Chapter 14A for
Division of Child
Support

Section 3205 for
how DCS
calculates income

State Law Library

- State Law Library
 - Free search tools
 - User friendly
 - Ask a Librarian
 - Help by phone
 - Chat
 - Email

Washington State Law Library

The screenshot shows the Washington State Law Library website. At the top, there is a navigation bar with links: Home, About, Collections, Services, Research Guides, Research Links, Newsletters, and Ask a Librarian. Below the navigation bar, the page is divided into three main sections:

- Find... Search the Catalog:** This section includes a search box with a dropdown menu for 'Keyword', a text input field for 'Search the Catalog', and a 'Search' button. Below the search box are links for 'Research Guides', 'Self-Help Resources', 'Need More Help?', and 'Search WorldCat'.
- Ask a Librarian:** This section is highlighted by a large red arrow. It contains the text 'Ask a Librarian' with a question mark icon, a phone icon and the text 'Call (360) 357-2136', a chat icon and the text 'Chat with us live 9-1!', and an email icon and the text 'Email'.
- Quick Links:** This section lists various resources: Washington Constitution, Washington Statutes (RCW), Administrative Rules (WAC), Blog, City & County Codes, County Law Library Directory, Court Forms, Court Rules, Washington LawHelp, and Find a Library.

Published Decisions

- Washington Supreme Court and Court of Appeals
 - [Recent Opinions](#)
- Precedential decisions
 - [Employment Security Department Commissioner's Decisions](#)
 - [DSHS Index of Significant Decisions by DSHS Board of Appeals](#)
 - [HCA Index of Significant Decisions by HCA Board of Appeals](#)
- Judge's orders for Special Education
 - [Special Education Due Process Decisions](#)

Rule Updates

- Some agencies updates rules frequently
- Some agencies update rules annually
- Recent rulemaking
 - [DSHS Rules and Policies Assistance Unit or RPAU](#)
 - [HCA Rules](#)
 - [L&I Rules](#)
 - [ESD Rulemaking](#)
- WACs adopted on an emergency basis
 - [Office of the Code Reviser](#)

OAH Public Website

- www.oah.wa.gov
 - Legal Research & Resources
 - Frequently Conducted Hearings

Public Assistance Hearings

TANF, Basic Food, & Child Care

Agency: Department of Social and Health Services (DSHS)

Laws: [RCW Chapter 74](#)

Regulations: [WAC 388](#)

Other:

- [DSHS Website](#)
- [DSHS Hearing Rules](#)
- [Eligibility A-Z Interpretive Policy Manual](#)
- [Washington Law Help](#)
- [CLEAR](#)
- [Free and Low Cost Legal Assistance](#)
- [Hearing Preparation Information](#)

Northwest Justice Project

www.washingtonlawhelp.org

- Articles
 - How to understand issues
 - How to represent yourself
- Read
 - [Do You Owe Child Support?](#)
 - [Questions and Answers on Medicaid for Nursing Home Residents](#)



Washington Law Help

Resources to study once you are assigned to a case:

- Cash assistance
- Child care
- Child support
- CPS Investigations and Findings
- DSHS programs and problems
- Elder Abuse
- Emergency assistance
- Emergency shelter & assistance
- Fraud & overpayments
- Food assistance
- In-home care/COPES

Washington Law Help – Cont.

- Medicaid / Medicare (Apple Health)
 - The Medically Needy "Spendedown" Program: Medicaid for Adults 65 and Older or Disabled Who Don't Get SSI
 - Questions and Answers on the Tailored Supports for Older Adults (TSOA) and Medicaid Alternative Care (MAC) Programs
 - Questions and Answers on Medicaid for Nursing Home Residents
 - Key Medicaid Standards as of July 2018
- Nursing Homes
- Public benefit appeals and hearings
- Public benefit eligibility
- Public Benefits for Native Americans
- Public benefits for Immigrants
- Public & subsidized housing
- State Benefits (non-Medicaid)
- Social Security Benefits
- Unemployment benefits
- Utilities
- Veterans benefits
- Wage claims
- Wage and Hour Laws

Questions or Feedback?

- Send feedback about this training
 - Email OAH_ADACoordinator@oah.wa.gov

See you in the next video!

