



## What Happens When You Request a Hearing?

- A party may request a hearing when a state agency tries to regulate activity, deny, change, or end benefits or services. The hearing is held by an independent and impartial judge at the Office of Administrative Hearings (OAH).
- In many cases, OAH will mail you a Notice of Prehearing Conference with the date, time, and location of your prehearing conference. On average, conferences last about 30 minutes. (Plan for up to 60 minutes.)
- You may represent yourself at the prehearing conference or the hearing, or choose an attorney or any other person to represent you. The Notice will say if you may use a representative who is not an attorney. (You may not use an employee of the agency.) You are responsible for any fees charged by your attorney.
- The state agency may be represented by an assistant attorney general, a staff attorney or an employee.
- If you need an interpreter, OAH will provide one for you at no cost. If you have a disability you may request an accommodation to help you participate in the hearing. You may request an interpreter or accommodation by calling the OAH office on your Notice.
- If you need to request a change to the time or the date of the prehearing conference or the hearing, contact the state agency representative and OAH as soon as possible. Only the judge can grant a change to the schedule. Before a decision is made, the judge will want to know if the state agency agrees or disagrees with your request.
  - The judge will deny your request if you do not have a good reason.
  - If the judge changes the hearing schedule, keep the hearing documents to use during the rescheduled hearing.

**Tell OAH immediately if your address or phone number changes.**

**You may have 2 meetings scheduled with the judge:**

- Prehearing Conference
- Hearing

**You will receive a Notice in the mail before each one.**

## Prehearing Conference

- Follow the instructions in the Notice of Prehearing Conference. If you do not participate, you may lose your right to a hearing.
  - The Notice may instruct you to provide the telephone number where you can be reached. The Notice may provide you with call-in codes unique to your case.
  - You must have good phone reception. If you provided a phone number where you could be reached for the conference, your phone must be able to receive calls from a blocked caller ID.
- The judge will begin by identifying the issues with the parties and estimating the amount of time needed for the hearing. The judge will describe what will happen during the hearing, and which party will present evidence first.
  - The judge will set due dates and schedule the hearing.
  - After the prehearing conference the judge will mail you a Prehearing Order and Notice of Hearing.
- If you are interested in doing legal research, links are available at [www.oah.wa.gov/LegalResearch.shtml](http://www.oah.wa.gov/LegalResearch.shtml) and [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org).

**Watch a video of a sample OAH hearing on**  
[www.oah.wa.gov](http://www.oah.wa.gov)

(Available in English and Spanish)

- Here are options for reduced cost legal assistance:

Resource Name	Phone Number	Website
CLEAR: In King County	Call 211	<a href="http://www.resourcehouse.com/win211">www.resourcehouse.com/win211</a>
CLEAR: Outside King County	888-201-1014	
Veteran's Project	855-657-8387	<a href="http://nwjustice.org/veterans">http://nwjustice.org/veterans</a>
WA State Bar Association		<a href="http://www.wsba.org/Resources-and-Services/Find-Legal-Help">http://www.wsba.org/Resources-and-Services/Find-Legal-Help</a>

**You may contact the state agency representative if you would like to try to settle your case before the hearing, or if you have questions about the rules. The representative cannot give you legal advice.**

### **How to Prepare for Your Hearing**

- Carefully read the Prehearing Order and Notice of Hearing.
- Gather the documents you want the judge to see. Examples of documents you may want the judge to see are:
  - Documents that show your claims are correct.
  - Documents that the state agency has told you that you need to show the judge.
  - Proof of any special or financial circumstances that you want considered.
- Consider whether you will have any witnesses testify. The Prehearing Order may require that you to file a witness list which identifies each witness and briefly describes their testimony.
- Follow the due dates in the Order. If you miss due dates and are late to file your lists of witnesses and exhibits (documents), or to mark and submit exhibits, you may be limited in the evidence you can use at the hearing.

### **How to Participate in Your Hearing**

- **Hearing by phone:** Follow the instructions in the Notice of Hearing. If you do not appear and participate, you may lose your right to a hearing.
  - The Notice may instruct you to provide the telephone number where you can be reached. The Notice may provide you with call-in codes unique to your case.
  - You must have good phone reception.
  - Please note that you must be able to receive calls from a blocked caller ID.
- **Hearing in-person:** Go to the hearing location at least 10 minutes early. Show your Notice to the receptionist. If you do not appear and participate, you may lose your right to a hearing.
  - Bring your documents with you to the hearing.
- If you plan to use a witness, they will testify during your scheduled hearing time. Tell your witness the time and date of the hearing and how to participate.
  - The witness will follow the same instructions in the Notice (providing a telephone number where they may be reached, using a call-in code, or going to a hearing location).
  - If they participate by phone, tell the witness their phone must have good reception and their phone must be able to receive calls from a blocked caller ID. Have the number where your witness can be reached.
- The judge or a court reporter will record the hearing. The judge will also discuss the documents received and decide which documents (exhibits) to admit into evidence.
- Each party may call their own witnesses and question the witnesses called by the other parties. Witnesses testify under oath or affirmation. The judge may also ask questions.
- After the hearing the judge will make a decision that OAH will mail to you. Instructions to appeal the decision appear at the end of the judge's order.