

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Docket No. DOCKETNO

APPELLANTNAME,

**NOTICE OF MOTION TO DISMISS &
BRIEFING SCHEDULE**

Agency: Health Care Authority
Program: Washington Apple Health
Agency No. AGENCYNO



Your Name

Appellant.

A motion to dismiss has been filed in this matter by the Health Care Authority under RCW 74.09.741. The Motion to Dismiss was filed because the Health Care Authority (HCA) claims that:

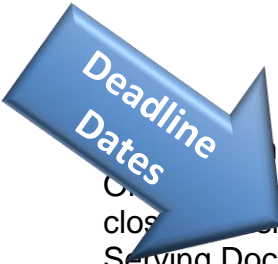
1. You are active on a medical program through DSHS and all issues with HCA have been resolved. Or,
2. Your Washington Apple Health has been reinstated and all issues are now resolved. Or,
3. Your child is not active on Washington Apple Health and all issues are not resolved. Or,
4. You have met the Alien Emergency Medical income guidelines and the case is not before the Health Care Authority's medical consultant review where you have a separate appeal right. Or,
5. You failed to file an application for an adjudicative proceeding within ninety calendar days after you received notice of the decision. Or,
6. The person who requested the hearing is not authorized to do so or has not been designated as the client's authorized representative. Or,
The client passed away and the representative no longer has the authority to proceed on the deceased client's behalf. Or,
Any other reason addressed by the Health Care Authority's Motion to Dismiss.



How to
Respond

You have the opportunity to respond to this motion in writing. Your response should identify any material facts on which you and the moving party disagree, and why an evidentiary hearing is necessary to resolve them. It should also identify the reason(s) you believe the moving party should not prevail as a matter of law.

The only evidence that the Administrative Law Judge can consider when deciding a Motion to Dismiss is submitted by the parties with their motion or response in the form of written declarations, with or without attachments. A written declaration is a written or typed statement that the person making the statement swears under penalty of perjury is true. That person is called the declarant. The declarant must sign and date the declaration. Documents may be attached to the declaration if the declarant discusses them in the declaration and describes what each document is, where it came from, and why it is important.



...se, with any supporting declarations and attachments, must be filed with the Office of Administrative Hearings (OAH) and served on the moving party on or before close of business on [Click or tap to enter a date.](#) See below for instructions on Filing and Serving Documents.

The moving party's reply must be filed with OAH, and served on you, as set out below, on or before close of business on [Click or tap to enter a date.](#)

If the Administrative Law Judge determines the Health Care Authority is correct in its motion your case will be dismissed. If the Administrative Law Judge (ALJ) rules against the Health Care Authority then the ALJ will set the matter for an evidentiary hearing.

If you no longer need or want this hearing, please let us know in writing by email, fax or mail:

Email: hcamagi@oah.wa.gov **Mail:** Office of Administrative Hearings
949 S. Market Street, Suite 500
Tacoma, WA 98402

Fax: (253) 593-2200

FILING AND SERVING DOCUMENTS

- 1. **FILING WITH OAH:** To "file" a document, you must provide the original to OAH and a copy to the other party. You can deliver those documents by hand delivery, mail, fax, e-mail or through the OAH portal. The date of filing will be the date of receipt by OAH during regular business hours.¹ Documents may be filed with OAH at the following address:



Office of Administrative Hearings
OAHADDRESS
OAHCITYSTATEZIP
Phone: OAHPHONE
Fax: OAHFAX

E-FILING PROCEDURES: OAH has two ways for you to submit documents for your case electronically. (1) You can use our online portal to upload documents, view all of the documents in your case, see upcoming hearing dates and read the judge's decision. The portal is the best way to receive quick, up-to-date information on your case, and the best way to file documents with OAH. (2) You may also send us documents through secure email, but there are some file size limits that apply, so you may have to send multiple emails. If you are interested in either of those options, see below:

PORTAL: Instructions and a video for using the portal are on our website at www.oah.wa.gov. You can also call OAH at (360) 407-2700 or (800) 583-8271

¹ WAC 10-08-110(1)(a)
NOTICE OF MOTION TO DISMISS & BRIEFING SCHEDULE

and our Call Center team can help you set up a portal account. Once you have set up an account, you may view all of the documents in your case and easily upload new documents.

SECURE E-MAIL: If you have not given the Administrative Law Judge your e-mail address, call (800) 583-8271 to provide your e-mail address. Let the Call Center team know that you are interested in receiving documents by secure e-mail. You will then receive a secure email from OAH. The email address will end in “oah.wa.gov” and the subject line will include the words, “OAH Secure Email”. You will need to click a link to create an account and read the email.

Once you’ve set up an account, you may reply to the secure email to send OAH documents you would like the judge to consider. The size limit for attachments is 25 megabytes. If you are sending more, please break up your reply into multiple emails.

If you have any questions about how to use the secure email, there are instructions and a video on our website at www.oah.wa.gov.

2. **SERVICE ON OTHER PARTIES:** When you file documents with OAH, you must also serve copies on the other party and the other party’s representative, if applicable.² You can serve those copies by hand delivery, mail, fax³ and, if agreed by the parties, through e-mail or the OAH portal.

CONTINUANCES: You may request a continuance of any of the above briefing deadlines. If you have good reason for a continuance, file your request before the event. Your request should explain the good reason you are seeking a continuance. If the request is urgent, call 253-476-6888. You must comply with the deadlines above, unless OAH has informed you it has granted the continuance.

RIGHT TO REPRESENTATION: You have a right to representation at your own expense. If you plan to seek representation, start looking now. If you delay, your representative may not be available for assistance.

[IF MOTION HEARING REQUESTED] INTERPRETER: {Party, Witness} requires a LANGUAGE interpreter to fully participate in the hearing. OAH will provide a LANGUAGE interpreter at the hearing at no cost to any party.

SERVED on the date of mailing.

² WAC 10-08-110(2)(a)

³ WAC 10-08-110(2)(b)

DECLARATION OF SERVICE

I certify that true copies of this document were served on those listed below, from Tacoma, Washington via Consolidated Mail Services by one of the following: First Class Mail, Certified Mail, Hand Delivery via Messenger, Campus Mail, Facsimile, or by email.

[DATA LIST]

Dated NOTICEMAILINGDATE at OAHCITY, Washington.
(DATE OF MAILING)

Representative
Office of Administrative Hearings
OAHADDRESS
OAHCITYSTATEZIP