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## Human Services Committee

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### HB 3049

**Brief Description:** Concerning administrative review of public assistance decisions.

**Sponsors:** Representative Dickerson; by request of Department of Social and Health Services.

#### Brief Summary of Bill

- Clarifies that only an applicant may receive back benefits in the event of a favorable final adjudicative order in his or her favor.
- Makes technical changes to statute regarding applications for public assistance.

**Hearing Date:** 1/27/10

**Staff:** Linda Merelle (786-7092).

#### Background:

There are at least two types of persons who may appeal a decision or ruling of the Department of Social and Health Services (DSHS). The first is an "applicant." This is an individual who makes an initial application for benefits. If he or she receives an unfavorable decision from the DSHS regarding that application, he or she may appeal within 90 days.

The second type of person is a "recipient," one who is already receiving benefits under a given set of DSHS rules. This person, even though he or she may have been receiving benefits for a period of time, may decide to file an appeal to challenge an existing rule under which those benefits are provided. If he or she receives an unfavorable ruling, the rule would remain in place. Upon receipt of a favorable ruling, the rule may be changed.

Under current law, both the person who appeals a decision regarding an initial application and the person who challenges an existing rule are called "appellants." The language of the current statute addressing the remedy, in the event of a favorable ruling for an appellant, states that if an appellant receives a favorable ruling on appeal, he or she must be paid "from the date of denial of the application for assistance or 30 days following the date of application for Temporary

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Assistance for Needy Families or 45 days after the date of application for all other programs, whichever is sooner." Ambiguity may arise with regard to back benefits, or damages, that must be paid to an applicant or a recipient in the event that the applicant or recipient prevails in litigation.

**Summary of Bill:**

The amendments to RCW 74.08.080 clarify that upon a favorable outcome resulting from an appeal or further litigation only an "applicant" must be paid benefits relative to the date of denial of his or her application. A recipient, a person who has already been receiving benefits for a period of time, must be paid benefits from the effective date of the decision regarding the challenged rule, rather than from the date that he or she initially applied for the benefit.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.