

# WorkFirst Sanctions

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## Introduction

This publication should help you understand sanctions under the WorkFirst program and help you fight a sanction that is wrong.

## What are sanctions?

Sanctions are penalties that reduce the amount of money you get each month through TANF (Temporary Assistance for Needy Families). DSHS may sanction your TANF grant when it decides that you failed or refused—without a good reason--to do all the activities in your Individual Responsibility Plan (IRP) or to meet some other requirements of the WorkFirst program. (For more information, see our publications called “Questions and Answers About WorkFirst” and “WorkFirst Individual Responsibility Plans.”) Your food assistance may also be reduced under the food stamp program rules. Your medical assistance will not change. A sanction will always mean a 40% reduction in the family’s TANF grant.

After six consecutive months in sanction, your TANF grant will close. But, as described below, DSHS should offer you a number of opportunities to fix (“cure”) the sanction before you reach the six month mark and face termination of your TANF grant.

## Why might DSHS sanction my TANF grant?

DSHS may sanction your grant if it decides that you “failed or refused” without “good reason” to:

- Give your DSHS case manager information she needs to write or

update your Individual Responsibility Plan (IRP) (For more on IRPs, see our publication called WorkFirst IRPs),

- Go to scheduled appointments listed in your IRP,
- Show that you are doing the best you can to do all of the activities listed in your IRP, or
- Accept a job that complies with worker’s compensation, safety, minimum wage, and other labor laws and does not have working hours, demands, or conditions that are unreasonable (such as not paying you on schedule) or that interfere with your religious beliefs or practices.

There must be an IRP in place before a sanction can be imposed. If English is not your primary language, there must be a signed copy of your IRP in your primary language in your file. If not, the sanction must be rescinded.

If you disagree with your IRP, you do not have to sign it. But to avoid a sanction for refusing to sign your IRP, you should also request a Fair Hearing regarding your IRP right away.

## What does DSHS have to do before sanctioning my grant?

DSHS must first send you a letter telling you what you did not do and giving you ten days to contact DSHS to explain what happened. If you do not respond within ten days, DSHS will make its decision about the sanction without you. DSHS should make sure you have been screened for family violence and other barriers to participation and will then use the

information it already has to determine whether you were unable or able, but refused, to do what was required.

Before imposing a sanction, DSHS must have a “case staffing” to determine why you did not participate. DSHS will notify you about the staffing so you can attend. Your case manager will also attend, and other people involved with your DSHS case. You may invite anyone you like to come with you to the case staffing. The case staffing is your opportunity to explain your good reason for not participating as DSHS thought you should.

If DSHS decides (with or without your input) to sanction your grant, it must then mail you a notice at least 10 days before the date that your grant will be reduced. The notice must be written in your primary language and tell you:

- when DSHS plans to reduce your grant and by how much,
- what you were required to do but didn't do,
- what you can do to end the sanction,
- the specific rule (or regulation) supporting the sanction,
- how you can request and receive a fair hearing to appeal the sanction, and
- how you can keep getting your full grant during the appeal.

## **How can I show the sanction was wrong?**

You can show the sanction was wrong and get your full grant back if:

- you have actually done what WorkFirst requires, but the DSHS worker did not understand the facts or use the rules correctly
- DSHS did not give you a written notice giving you ten days to contact them to explain what happened before imposing the sanction

- DSHS did not give you advance or adequate notice before reducing your grant (for example, the notice did not tell you exactly what you failed to do, or it did not cite the correct rule supporting the sanction—WAC 388-310-1600)
- the IRP that DSHS says you did not follow was never completed, was not given to you to read, or was not provided in your primary language
- you had “good reason” for not doing the requirement(s) in your IRP because it was not possible due to an event outside of your control.

### **Some examples of good reasons include:**

- your health care provider writes a statement that a serious physical, mental or emotional condition interfered with your ability to participate
- you were threatened with, or subjected to, family violence--for more information, see our publication "WorkFirst and the Family Violence Amendment"
- DSHS did not send you a notice telling you what information they needed or about the appointment you missed
- you could not find child care for your child under 13 that was affordable, appropriate, and within a reasonable distance normally expected in your community. (For more information about child care assistance, see our publication “Working Connections Child Care.”)
- your transportation or child care arrangements broke down and you could not make new ones in time (if this happens, call your worker and ask the worker or on voicemail that the call be noted in your file, and

make a note of the call yourself)

- you could not find other care for a person age 13 or older who lives in your home who cannot care for himself or herself
- you had an immediate legal problem, such as an eviction notice
- you are (or should have been) designated as a person receiving Equal Access (formerly, “NSA”) services and DSHS either failed to make this designation or failed to provide or follow an accommodation plan. See our publication “Necessary Supplemental Accommodations.”

### **If I cannot show the sanction is wrong, how else do I get it removed from my grant?**

If the sanction is for failure to follow the requirements in your IRP, you must start and continue to follow your IRP for four weeks in a row (28 calendar days). After you have done this, the sanction will be lifted and your grant will return to the normal amount, beginning with the month following your four weeks of participation. If the sanction is for failure to provide information necessary to develop your IRP, the sanction should be lifted as soon as you provide the information.

### **What happens if my grant stays in sanction status for six months?**

DSHS may close your TANF case (terminate your cash grant) if your WorkFirst sanction lasts for six months.

### **What if I go off TANF while in sanction status, and then need to get back on TANF?**

If you leave TANF while your grant is in

sanction status, your grant will still be in that status if you start receiving TANF again within six months. But if you leave TANF for more than six months, your grant **will not** be in sanction status when you start receiving TANF again. Months in which your grant is sanctioned still count toward the 60-month TANF time limit. For more information on the TANF time limit, see our brochure “Questions and Answers on the TANF Five-Year Time Limit.”

### **What things have to happen before my grant can be closed (after six months in sanction)?**

After your grant has been in sanction for three months, your case manager should review your case to make sure DSHS has done its part to explain WorkFirst requirements to you and how to end your sanction as well as trying to talk to you to encourage you to participate and giving you a chance to explain your good reasons for not being able to participate.

Your case manager will also schedule a “non-compliance” case staffing. You will be notified of the case staffing so you can attend. Your case manager will invite other people who are working with your family. If you do not attend this meeting, DSHS will make its decision without your input. But DSHS should also try to visit you to talk to you about how to end your sanction.

If the case manager decides you are refusing to participate without a good reason, she will send your case of the CSO Administrator for review. If the Administrator agrees with the case manager’s assessment, she will send your case for final review by the DSHS “sanction review panel” in Olympia, recommending that your TANF case be closed.

If the “sanction review panel” agrees with the recommendation to close your TANF case, DSHS must send you advance notice telling you what you failed to do, when your

grant will end, how to request a fair hearing, and how to end your penalties and keep your case open.

◆ **IMPORTANT:** If you disagree with the decision to close your TANF case, ask for a fair hearing and continuing benefits right away. If you wait until after DSHS has closed your case, you will probably not be eligible for continuing benefits.

### What can I do if I disagree with the sanction?

If you disagree with a WorkFirst sanction, you may ask for a fair hearing. You may do this by calling your welfare office, filling out a Fair Hearing Request at your local welfare office or writing to the Office of Administrative Hearings, P.O. Box 42488, Olympia, WA 98504. If it is an emergency, you may ask to have your hearing held as soon as possible by calling the Office of Administrative Hearings at (360) 664-8717. This is called an “expedited” hearing. Please see our publication “Representing Yourself at a Fair Hearing” for more information.

You may keep getting the same benefits if you request a hearing within 10 days of the date on the notice **or** before the date the notice takes effect. This is called “continued assistance.” If the sanction is upheld at the Fair Hearing, you may have to repay this assistance. This is called an “overpayment.” But DSHS cannot collect more than sixty days of assistance and the amount of the overpayment will only be the amount of the sanction that was upheld. If you are on TANF, DSHS can deduct only 5% of your grant per month.

### How can I get legal help?

You can get assistance in preparing for your hearing by calling CLEAR, a toll-free intake, advice, and referral service run by the Northwest Justice Project. To contact CLEAR, call 1-888-201-1014 between 9:15 a.m. and 12:15 p.m., Monday through Friday.

You can read DSHS’s sanction rule (WAC 388-310-1600) at your local library or on-line at <http://apps.leg.wa.gov/WAC/default.aspx?cite=388-310-1600>. DSHS’s policy guidebook, the WorkFirst Handbook, discusses how the sanction process is supposed to work and you may find it at [http://www1.dshs.wa.gov/ESA/wfhand/3\\_6\\_1.htm](http://www1.dshs.wa.gov/ESA/wfhand/3_6_1.htm).

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