

# Ask OAH for a reasonable accommodation of your disability

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If you're going to an administrative hearing related to benefits, and you have a disability, you might need help dealing with your hearing. You can ask the state Office of Administrative Hearings to change the way it does things to accommodate your disability. You can ask for changes that will help you have the same opportunity to take part in your hearing as someone without disabilities.

If you get, or have applied for, benefits through a Washington state agency, you might have asked for an administrative hearing to fight (to appeal) the agency's decision or action about your benefits. For example, maybe you applied for cash benefits or food stamps. The Department of Social and Health Services (DSHS) (<https://www.dshs.wa.gov/>) turned down (denied) your application or awarded you less benefits than you thought you should get. You've appealed that decision.

If you must go to an administrative hearing during the appeal process, and you have a disability, you can ask the state Office of Administrative Hearings

(<https://oah.wa.gov/>) (OAH) for an accommodation of your disability.

### **Do I have a disability?**

Under federal or state laws, you have a disability (that requires an accommodation) if you have an impairment that greatly limits at least one major life activity. You also qualify as disabled if you have a record of having such an impairment. Your physical or mental impairment can be temporary. It doesn't need to be permanent for the laws to apply to you.

**This definition of disability is also different from Social Security's definition.** Your impairment doesn't have to keep you from working for you to be able to ask to have it accommodated. You can have a disability that requires accommodation even if it doesn't qualify you to get SSI or SSDI.

### **What is a reasonable accommodation?**

It is how you ask for a process to happen differently than the standard way so you that you can be involved fairly. Accommodations are the changes you need to happen so you can participate equally in the hearing. It's a change or exception to an OAH rule, policy, practice, or service that may be needed so a person with a disability has the equal opportunity to take part in an administrative hearing.

The accommodation you ask for must be all three of these things:

1. needed (necessary)
2. directly related to your disability
3. reasonable

Depending on what your disabilities are, here are some examples of reasonable accommodations OAH could make for you. This isn't a complete list, you can ask for other things that are not on this list:

- An American Sign Language (ASL) interpreter or real-time transcription services if you're deaf or hard of hearing
- Large print or Braille materials if you're blind or have a vision condition
- A qualified reader to read or provide audio recordings of paperwork for you if you cannot read
- Meeting in a wheelchair-accessible room if you have a mobility impairment
- Meeting by phone instead of in-person if you have agoraphobia
- Taking breaks during the hearing if you need to move a lot due to back pain or can only concentrate for short periods
- Scheduling a hearing for the afternoon if a morning hearing would interfere with your medication schedule
- Appointing a lawyer for you if you cannot represent yourself in a hearing due to a developmental disability, traumatic brain injury, or mental illness

Under state and federal law, OAH must approve your request for accommodation if it is reasonable and related to your disability. OAH's refusal to reasonably accommodate a disability is discrimination.

## **When and how should I ask for an accommodation?**

Give OAH as much notice as you can of your need for accommodation. OAH may need time to meet your needs.

You can [fill out the OAH's Accommodation Request form online](https://oah.wa.gov/resources/forms/accommodation-request) (<https://oah.wa.gov/resources/forms/accommodation-request>) or by calling

(360) 407-2700 or (800) 583-8271. Dial 7-1-1 or 1-800-833-6388 for the Washington relay operator.

## **Can OAH ask for proof that I have a disability?**

You don't have to tell OAH your specific medical diagnosis or disability. OAH can't ask for your specific medical diagnosis. But you must **generally** identify the nature of your disability. And OAH can ask you to verify that you have a disability and need the accommodation you asked for, for example, by getting a statement from your treating doctor that you have a disability and need the accommodation you asked for to take part fully in a hearing.

## **What if OAH says no to my accommodation request?**

OAH may only turn down (may only deny) your accommodation request if:

- OAH doesn't have the budget to pay for the accommodation.
- OAH doesn't have the resources, staffing, or time (the capacity) to make the accommodation.
- OAH will have to drastically change how they do things to make the accommodation.
- OAH doesn't believe the accommodation you asked for is connected to your disability.

If OAH doesn't agree to the accommodation you asked for, OAH must show that what you asked for is unreasonable.

## **What can I do if OAH denies my request?**

If OAH denies your request for a reasonable accommodation, you can contact their **Americans with Disabilities Act Coordinator** at:

Office of Administrative Hearings

Attn: Americans with Disabilities Act Coordinator

PO Box 42488

Olympia, WA 98504-2488

360-407-2700 or 1-800-583-8271

The ADA coordinator will investigate and might be able to change OAH's decision about your accommodation request.

You can also file a discrimination complaint with the **Washington State Human Rights Commission** at:

Washington State Human Rights Commission (<https://www.hum.wa.gov/>)

Olympia Headquarters Office

711 S. Capitol Way, Suite 402

Olympia, WA 98504-2490

Toll free: 1-800-233-3247

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