



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Employment Security Department

Title of rule and other identifying information: (Describe Subject) - New section in Chapter 192-04 WAC regarding untimely filed Petitions for Review (PFR). Provides that the Commissioner's Review Office (CRO) has jurisdiction to hold an evidentiary hearing whether the PFR was filed late with good cause.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY (Date) May 24, 2016

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Currently, if a PFR is filed late, CRO must remand the matter to the Office of Administrative Hearings (OAH) to conduct a short evidentiary hearing on CRO's behalf as to why the PFR was late. OAH does not take jurisdiction, it returns the hearing record to the CRO for a decision on whether the PFR was filed late with good cause.

The proposed rule will eliminate the need to remand the issue of the untimely filed PFR back to OAH, and instead will allow CRO to conduct the evidentiary hearing.

Reasons supporting proposal: The current process creates a significant delay in the review process as it takes many additional weeks for OAH to schedule and conduct these evidentiary hearings. Having CRO hold these hearings in-house would eliminate these delays and greatly expedite the review process. In addition, many other late filed PFRs that the CRO ordinarily dismisses could get a short evidentiary hearing, providing better access to justice to claimants.

Statutory authority for adoption: RCW 50.12.010 and 50.12.040.

Statute being implemented: RCW 50.32.075 and 50.32.080.

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

DATE

March 3, 2016

NAME (TYPE OR PRINT)

Lisa Marsh

SIGNATURE

TITLE

Deputy Commissioner

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 04, 2016

TIME: 3:49 PM

WSR 16-07-013

(COMPLETE REVERSE SIDE)

Name of proponent: (person or organization) Employment Security Department

- ☐ Private
- ☐ Public
- ☒ Governmental

Name of agency personnel responsible for:

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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
None.