

WAC 192-800-115 What is the process for filing a petition for reconsideration to the commissioner's review office? (1) A written petition for reconsideration and argument in support thereof must be filed within ten days of the date of the decision of the commissioner. It must be filed by using the department's online services or by mailing it to the Employment Security Department, Post Office Box 9555, Olympia, WA 98507-9555.

(2) The petitioner must provide the petition for reconsideration in subsection (1) of this section to all interested parties.

(3) No matter will be reconsidered by the commissioner unless it clearly appears from the face of the petition for reconsideration and the argument submitted in support thereof that:

(a) There is obvious material, clerical error in the decision; or

(b) The petitioner, through no fault of the petitioner, was denied a reasonable opportunity to present argument or respond to argument under WAC 192-800-100.

(4) A petition for reconsideration is deemed to have been denied if, within twenty days from the date the petition for reconsideration is filed, the commissioner does not either:

(a) Dispose of the petition for reconsideration; or

(b) Mail or deliver to the parties a written notice specifying the date by which the parties will act on the petition for reconsideration. If no action is taken by the date specified in such written notice, the petition will be deemed to have been denied.

(5) A petition for reconsideration does not stay the effectiveness of the decision of the commissioner. The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial review. An order denying reconsideration or a written notice specifying the date upon which action will be taken on the petition for reconsideration is not subject to judicial review.

[Statutory Authority: RCW 50A.04.215. WSR 19-23-090, § 192-800-115, filed 11/19/19, effective 12/20/19.]