

WAC 246-10-704 Reconsideration of final orders. (1) Within ten days of service of a final order, either party may file a petition for reconsideration, stating the specific grounds upon which reconsideration is requested and the relief requested.

(2) Grounds for reconsideration are limited to:

(a) Specific errors of fact or law; or

(b) Implementation of the final order would require department activities inconsistent with current department practice; or

(c) Specific circumstances render the person requesting reconsideration unable to comply with the terms of the order.

(3) Petitions for reconsideration must be served upon the opposing party and filed with the adjudicative clerk's office within ten days of service of the final order.

(4) If reconsideration is requested based on an error of fact, the request for reconsideration must contain specific reference to the record. If reconsideration is requested based on testimony of record, the request for reconsideration must contain specific reference to the testimony. The presiding officer or review officer may require that the party requesting reconsideration submit a copy of the transcript of the adjudicative proceeding and provide specific reference to the transcript.

(5) The petition for reconsideration is denied if, within twenty days of the date the petition is filed, the presiding officer or review officer:

(a) Denies the petition;

(b) Does not act upon the petition; or

(c) Does not serve the parties with notice of the date by which he or she will act on the petition.

(6) If the presiding officer or review officer determines to act upon the petition, the opposing party must be provided at least ten days in which to file a response to the petition.

(7) Disposition of petitions for reconsideration must be in the form of a written order denying the petition, granting the petition, and dissolving or modifying the final order, or granting the petition and setting the matter for further proceedings.

[Statutory Authority: RCW 43.70.040, 34.05.220, 34.05.410, 18.130.050, and 34.05.413 through 34.05.476. WSR 18-18-049, § 246-10-704, filed 8/29/18, effective 9/29/18. Statutory Authority: RCW 18.155.040. WSR 97-12-089, § 246-10-704, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. WSR 94-04-079, § 246-10-704, filed 1/31/94, effective 3/3/94; WSR 93-13-005 (Order 369), § 246-10-704, filed 6/3/93, effective 7/4/93.]