

**WAC 388-103-0140 How does the administrative law judge make a decision regarding the initial substantiated finding?** (1) If the administrative law judge (ALJ) finds that the preponderance of the evidence supports the initial substantiated finding, the ALJ shall uphold the initial substantiated finding in an initial order.

(2) If the ALJ finds that the initial substantiated finding is not supported by a preponderance of the evidence, the ALJ shall remand the matter to the department to modify the finding consistent with the initial order.

[Statutory Authority: RCW 74.34.068, 74.34.165; 42 U.S.C. Sec. 1396r (g)(1)(D), 42 U.S.C. Sec. 1395i3 (g)(1)(D). WSR 21-11-108, § 388-103-0140, filed 5/19/21, effective 7/1/21.]