

WAC 478-121-437 Procedures for administrative review from a full hearing. (1) When the reviewing officer(s) conducts an administrative review, the reviewing officer(s) shall:

(a) Personally consider the whole record or such portions of it as may be cited by the parties;

(b) Exercise all the decision-making power that the reviewing officer would have had to decide and enter the final order had the reviewing officer presided over the hearing, except to the extent that the issues subject to review are limited by a provision of law or by the reviewing officer(s) upon notice to all the parties;

(c) Afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument to explain the party's position but any such argument shall not be considered as evidence;

(d) Review information submitted to the review panel in the request for review or response to request for review; and

(e) Review newly discovered evidence, if the basis for seeking administrative review is that newly discovered evidence has become available; however the review of newly discovered evidence is limited to determining whether the newly discovered evidence warrants remanding the matter for further proceedings.

(2) In reviewing findings of fact by presiding officers, the reviewing officers shall give due regard to the presiding officers' opportunity to observe the witnesses.

(3) Decisions by a panel of reviewing officers will be determined by majority vote.

[Statutory Authority: RCW 28B.20.130. WSR 17-15-068, § 478-121-437, filed 7/14/17, effective 8/18/17.]