

WAC 388-02-0360 May a party convert how a hearing is held? (1)

The parties have the right to request that:

(a) A hearing format be converted (changed) to an in-person hearing or a telephone conference; or

(b) A witness appear in person or by telephone conference. The OAH must advise you of the right to request a change in how a witness appears.

(2) Except as provided in subsection (4) of this section, a party requesting a change in how a hearing is held must show a compelling reason. A party must also show a compelling reason to change the way a witness appears (in-person or by telephone conference). Some examples of compelling reasons are:

(a) A party does not speak or understand English well.

(b) A party wants to present a significant number of documents during the hearing.

(c) A party does not believe that one of the witnesses or another party is credible, and wants the ALJ to have the opportunity to see the testimony.

(d) A party has a disability or communication barrier that affects their ability to present their case.

(e) A party believes that the personal safety of someone involved in the hearing process is at risk.

(3) A compelling reason to convert how a hearing is held can be overcome by a compelling reason not to convert how a hearing is held.

(4) In public assistance cases, a party has the right to request that a hearing be changed without showing a compelling reason to the ALJ. Public assistance programs include:

(a) Temporary assistance for needy families (TANF);

(b) Working connections child care;

(c) Disability lifeline;

(d) Medical assistance;

(e) Food assistance; and

(f) Refugee assistance.

[Statutory Authority: RCW 34.05.020, 34.05.220. WSR 11-04-074, § 388-02-0360, filed 1/31/11, effective 3/3/11. Statutory Authority: RCW 34.05.020. WSR 00-18-059, § 388-02-0360, filed 9/1/00, effective 10/2/00.]