

WAC 388-14A-3860 How does a party request a temporary order when a petition for review has been filed? (1) If the temporary order is requested because of the filing of a petition for review, a party must request the temporary order within ten days of:

(a) The date that party files the petition for review; or

(b) The date that party receives notice that another party has filed a petition for review.

(2) The request must be made to the office of administrative hearings (OAH) office that entered the initial decision.

(3) The administrative law judge (ALJ) who entered the initial decision must hear the motion for temporary order. If that ALJ is not available, the chief ALJ must designate a substitute ALJ.

(4) The ALJ may enter a temporary order based on the record that was created at the hearing, or may set a telephone conference call hearing within ten working days.

(5) The ALJ may hear testimony by telephone conference call.

(6) The ALJ may allow the parties to present the evidence then available, and allow five working days from the date of the hearing for submission of additional documents or evidence.

[Statutory Authority: RCW 74.20A.055 and 74.08.090. WSR 00-09-076, § 388-14A-3860, filed 4/18/00, effective 5/19/00. Formerly WAC 388-11-315.]