

WAC 308-101-120 Continuances. (1) After a hearing has been scheduled, it may be continued or rescheduled only at the discretion of the hearings examiner.

(2) Requests for a continuance, or to reschedule, must include all of the following:

- (a) A written request directed to the assigned hearings examiner;
- (b) The basis for the request; and
- (c) At least two proposed reschedule dates.

(3) A party may make one continuance or reschedule request without judicial review.

(4) A party requesting a second or later continuance or reschedule must file the request at least two business days before the scheduled hearing, except upon showing of good cause.

(5) Good cause is defined as substantive reason or legal justification for failing to meet the reschedule deadline. Good cause may include, but are not limited to:

- (a) Military deployment;
- (b) Medical treatment or hospitalization;
- (c) Housing instability;
- (d) Language barriers;
- (e) Domestic violence; or
- (f) Incarceration.

(6) The hearings examiner may continue or reschedule the hearing at any time, including on the date of the hearing.

(7) A party shall not consider a hearing continued or rescheduled until notified affirmatively by the hearings examiner or his, her, or their designee.

(8) The hearings examiner may require the party who requests a second or later continuance or reschedule to submit documentary evidence that substantiates the reason for the request.

(9) Notwithstanding any provisions of this section to the contrary, a hearings examiner may continue a hearing in the event a law enforcement officer who has been subpoenaed as a witness fails to appear. The hearings examiner must continue a hearing in the event a law enforcement officer who has been subpoenaed as a witness fails to appear and the petitioner is a holder of a commercial driver's license or was operating a commercial motor vehicle at the time of the driver's arrest.

[Statutory Authority: RCW 46.01.110 and 46.01.040(10). WSR 23-07-074, § 308-101-120, filed 3/13/23, effective 4/13/23. Statutory Authority: RCW 46.01.110. WSR 18-11-098, § 308-101-120, filed 5/21/18, effective 9/4/18.]