

WAC 456-09-955 Petition for reconsideration of a final decision.

(1) A petition for reconsideration of a final decision is not available where an initial decision was first issued, unless:

(a) The alleged error or errors could not have been previously addressed in an exception to the initial decision; or

(b) The alleged error or errors are of constitutional concern.

(2) After the board issues a final decision, any party may submit a petition for reconsideration as provided in RCW 34.05.470. The petition must be submitted to the board and served on all parties or their representatives within 14 calendar days from the date the final decision was sent or transmitted to the parties together with proof of service as outlined in WAC 456-09-345. The petition must also state the specific grounds for relief.

(3) The party opposing a petition for reconsideration must submit a response together with proof of service pursuant to WAC 456-09-345. The response must be filed within 10 calendar days of the date the petition for reconsideration was served on the responding party.

(4) The board must accept or deny a petition within 30 calendar days from the date a petition is served on the opposing party. If the board does not act within this time period, the petition is deemed to be denied.

(5) Except as outlined in subsection (4) of this section, the board will address a petition by written order. The board may also require the parties to submit briefs or to appear and present oral argument on a petition.

[Statutory Authority: RCW 82.03.170. WSR 22-05-051, § 456-09-955, filed 2/9/22, effective 3/12/22; WSR 05-13-141, § 456-09-955, filed 6/21/05, effective 8/1/05; WSR 95-05-033 (Order 95-01), § 456-09-955, filed 2/8/95, effective 3/11/95. Statutory Authority: RCW 82.03.170, 34.05.250, 82.03.140 and 82.03.160. WSR 90-11-105, § 456-09-955, filed 5/22/90, effective 6/22/90. Statutory Authority: RCW 82.03.170. WSR 89-10-056 (Order 89-02), § 456-09-955, filed 5/2/89.]