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SENATE BILL 5772

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State of Washington

54th Legislature

1995 Regular Session

By Senators Pelz, Newhouse and Deccio; by request of Employment Security Department

Read first time 02/06/95. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to disqualification from unemployment compensation;  
2 and amending RCW 50.20.065 and 50.20.160.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 50.20.065 and 1993 c 483 s 11 are each amended to read  
5 as follows:

6 (1) Notwithstanding any prior determination made under this  
7 chapter, an individual who has been discharged from his or her work  
8 because of a felony or gross misdemeanor of which he or she has been  
9 convicted, or has admitted committing to a competent authority, and  
10 that is connected with his or her work shall ((have)) be disqualified  
11 from benefits beginning with the first day of the calendar week in  
12 which he or she has been discharged or suspended for misconduct and  
13 thereafter for five calendar weeks and until he or she has obtained  
14 work and earned wages equal to five times his or her benefit amount.  
15 In addition, all hourly wage credits based on that employment shall be  
16 canceled.

17 (2) The employer shall notify the department of such an admission  
18 or conviction, not later than six months following the admission or  
19 conviction.

1 (3) The claimant shall disclose any conviction of the claimant of  
2 a work-connected felony or gross misdemeanor occurring in the previous  
3 two years to the department at the time of application for benefits.

4 (4) All benefits (~~((that are))~~) paid (~~((in error))~~) based on wage/hour  
5 credits that (~~((should have been))~~) are removed from the claimant's base  
6 year are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any  
7 other provisions of this title.

8 **Sec. 2.** RCW 50.20.160 and 1990 c 245 s 4 are each amended to read  
9 as follows:

10 (1) A determination of amount of benefits potentially payable  
11 issued pursuant to the provisions of RCW 50.20.120 and 50.20.140 shall  
12 not serve as a basis for appeal but shall be subject to request by the  
13 claimant for reconsideration and/or for redetermination by the  
14 commissioner at any time within one year from the date of delivery or  
15 mailing of such determination, or any redetermination thereof:  
16 PROVIDED, That in the absence of fraud or misrepresentation on the part  
17 of the claimant, any benefits paid prior to the date of any  
18 redetermination which reduces the amount of benefits payable shall not  
19 be subject to recovery under the provisions of RCW 50.20.190. A denial  
20 of a request to reconsider or a redetermination shall be furnished the  
21 claimant in writing and provide the basis for appeal under the  
22 provisions of RCW 50.32.020.

23 (2) A determination of denial of benefits issued under the  
24 provisions of RCW 50.20.180 shall become final, in absence of timely  
25 appeal therefrom: PROVIDED, That the commissioner may reconsider and  
26 redetermine such determinations at any time within one year from  
27 delivery or mailing to correct an error in identity, omission of fact,  
28 or misapplication of law with respect to the facts.

29 (3) A determination of allowance of benefits shall become final, in  
30 absence of a timely appeal therefrom: PROVIDED, That the commissioner  
31 may redetermine such allowance at any time within two years following  
32 the benefit year in which such allowance was made in order to recover  
33 any benefits improperly paid and for which recovery is provided under  
34 the provisions of RCW 50.20.190: AND PROVIDED FURTHER, That in the  
35 absence of fraud, misrepresentation, (~~((or))~~) nondisclosure, or a  
36 determination of disqualification under RCW 50.20.065, this provision  
37 or the provisions of RCW 50.20.190 shall not be construed so as to  
38 permit redetermination or recovery of an allowance of benefits which

1 having been made after consideration of the provisions of RCW  
2 50.20.010(3), or the provisions of RCW 50.20.050, 50.20.060, 50.20.080,  
3 or 50.20.090 has become final.

4 (4) A redetermination may be made at any time: (a) To conform to  
5 a final court decision applicable to either an initial determination or  
6 a determination of denial or allowance of benefits; (b) in the event of  
7 a back pay award or settlement affecting the allowance of benefits;  
8 ~~((or))~~ (c) in the case of fraud, misrepresentation, or willful  
9 nondisclosure; or (d) in the event of a determination of  
10 disqualification under RCW 50.20.065. Written notice of any such  
11 redetermination shall be promptly given by mail or delivered to such  
12 interested parties as were notified of the initial determination or  
13 determination of denial or allowance of benefits and any new interested  
14 party or parties who, pursuant to such regulation as the commissioner  
15 may prescribe, would be an interested party.

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