

WAC 308-101-080 Requests for hearing. (1) A request for a hearing shall be in writing;

(2) When no deadline for requesting a hearing or interview is provided in Title 46 RCW, or other law or rule of the department, a hearing or interview request must be postmarked or received by the hearings and interviews unit within fifteen days after notice is given;

(3) The hearing request form provided by the department shall include a statement that if the parties or witness(es) are hearing or speech impaired and/or non-English speaking, a qualified interpreter will be appointed at no cost to the parties or witnesses. The form shall include a section where the petitioner may request an interpreter and where he or she may identify the language and/or nature of the interpretive services needed;

(4) The request for hearing shall include the following information with respect to the petitioner:

- (a) Full name;
- (b) Mailing address;
- (c) Daytime telephone number, including area code;
- (d) Date of birth; and
- (e) Driver's license number.

(5) The written request for hearing shall be accompanied by the applicable nonrefundable filing fee, unless the petitioner is entitled to a waiver of the filing fee because of indigence, in which case a request to waive the hearing fee for indigence must be submitted with the hearing request and be on a form approved by the department;

(6) When the department denies an application for an indigent fee waiver, the petitioner shall be granted an additional ten days to submit payment of the hearing fee;

(7) **Submitting hearing request with fees:** The request for a hearing may be submitted to: Department of Licensing, Hearings and Interviews Unit, P.O. Box 9048, Olympia, WA 98507-9048;

(8) **Submitting hearings request without a fee:** If there is not filing fee or if the petitioner is entitled to or applies for a waiver of the filing fee because of indigence, the request must be submitted to: Department of Licensing, Hearings and Interviews Unit, P.O. Box 9031, Olympia, WA 98507-9031;

(9) The request for a hearing may also be submitted online if the petitioner meets the qualifications described on the web site at www.dol.wa.gov;

(10) If a request for hearing is denied, the department shall notify the petitioner and the petitioner's legal representative, if any, stating the reason(s) for the denial;

(a) The department (or a hearings examiner) may set aside a denial of a hearing due to an untimely request if the petitioner establishes good cause for the failure to timely request a hearing;

(b) In the alternative, the department may grant a hearing on the merits subject to a preliminary determination by a hearings examiner on the issue of whether the hearing request was timely filed or, if untimely, whether there was good cause to file a late hearing request. If the petitioner fails to establish the hearing request was timely filed or that there was good cause for a late hearing request, the department's action shall be sustained or affirmed without further review.

[Statutory Authority: RCW 46.01.110. WSR 18-11-098, § 308-101-080, filed 5/21/18, effective 9/4/18.]