

WAC 388-02-0260 May the department amend a notice? (1) The ALJ must allow the department to amend (change) the notice of a department action before or during the hearing to match the evidence and facts.

(2) The department must put the change in writing and give a copy to the ALJ and all parties.

(3) The ALJ must offer to continue (postpone) the hearing to give the parties more time to prepare or present evidence or argument if there is a significant change from the earlier department notice.

(4) If the ALJ grants a continuance, the OAH must send, a new hearing notice at least fourteen calendar days before the hearing date. The OAH must provide notice of seven or more business days if the case is about child support under chapter 388-14A WAC.

[Statutory Authority: RCW 34.05.020, 34.05.220. WSR 11-04-074, § 388-02-0260, filed 1/31/11, effective 3/3/11. Statutory Authority: RCW 34.05.020. WSR 00-18-059, § 388-02-0260, filed 9/1/00, effective 10/2/00.]