

WAC 308-101-220 Default. (1) In the event that the person who requested an interview or hearing is not available at the time it is scheduled via the manner of appearance directed in the notice of interview or hearing, or as subsequently modified in writing or orally on the record, no interview or hearing shall be held. An order of default shall be entered and the department's proposed action shall be sustained.

(2) A person who fails to appear at an interview waives his or her right to request a formal hearing.

(3) Within seven days after service of a default order, the petitioner may file a written motion requesting that the order of default be vacated, and stating the grounds relied upon for the motion. In determining whether the default should be set aside, the hearings examiner shall consider whether there was good cause for the nonappearance.

[Statutory Authority: RCW 46.01.110. WSR 18-11-098, § 308-101-220, filed 5/21/18, effective 9/4/18.]