

WAC 137-28-380 Serious infraction appeals. (1) If the hearing officer finds the offender guilty of a serious violation, only the offender may appeal the decision and/or sanction(s) to the superintendent.

(a) An appeal request cannot be filed when the offender has pled guilty to the violation.

(b) The appeal request must be in writing and must include the reason(s) why the offender believes the action taken was incorrect and specify the desired relief.

(c) The appeal request must be filed within fifteen business days of receiving the notice.

(d) Failure to follow appeal procedures shall be deemed a waiver of the appeal, however the superintendent may consider appeals filed beyond the fifteen business day period.

(2) The superintendent will review the hearing record and act on the appeal request within ten business days of receipt. The superintendent may affirm the decision and sanction(s), affirm the decision and reduce the sanction(s), or dismiss/modify downward the decision and sanction(s). The superintendent may also reverse the decision and remand the matter for a new hearing, in which case the sanction(s) imposed at the new hearing may not be more severe than the sanction(s) originally imposed.

(3) The offender shall be promptly notified in writing of the superintendent's decision.

(4) Sanctions will not be stayed upon appeal.

[Statutory Authority: RCW 72.01.090, 72.65.100, and 72.09.130. WSR 15-20-011, § 137-28-380, filed 9/24/15, effective 1/8/16; WSR 06-21-054, § 137-28-380, filed 10/13/06, effective 11/13/06. Statutory Authority: RCW 72.01.090, 72.09.130, and 9.94.070. WSR 02-12-023, § 137-28-380, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 72.01.090. WSR 00-10-079, § 137-28-380, filed 5/2/00, effective 6/2/00. WSR 95-15-044, § 137-28-380, filed 7/13/95, effective 8/15/95.]