

WAC 192-100-050 Fraud defined. (1) For purposes of RCW 50.20.070, 50.20.190, and chapter 192-220 WAC, fraud means an action by an individual where all of the following elements are present:

- (a) The individual has made a statement or provided information.
- (b) The statement was false.
- (c) The individual either knew the statement was false or did not know whether it was true or false when making it.
- (d) The statement concerned a fact that was material to the individual's rights and benefits under Title 50 RCW.
- (e) The individual made the statement with the intent that the department would rely on it when taking action.

(2) To decide whether an individual has committed fraud, the elements in subsection (1) must be shown by clear, cogent, and convincing evidence. Fraud cannot be presumed. Circumstantial evidence, rather than direct evidence, is enough to establish fraud if the evidence is clear, cogent, and convincing.

(3) This definition of fraud also applies to the term "misrepresentation" in RCW 50.20.190. A violation of RCW 50.20.070 must meet this definition of fraud.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 07-23-128, § 192-100-050, filed 11/21/07, effective 1/1/08.]