

WAC 263-12-11802 Employer's motion for a stay of the order on appeal. (1) **General.** Any employer may move for a stay of the department order on appeal, in whole or in part, as provided in RCW 51.52.050 (2)(b). The board will grant the motion to stay if the moving party demonstrates that it is more likely than not to prevail on the facts as they existed at the time of the order on appeal.

(2) **Time for filing.** As set forth in RCW 51.52.050 (2)(b), a motion filed by the employer for a stay of benefits pursuant to RCW 51.52.050 must be filed within fifteen days of the board order granting the appeal.

(3) **Motion must be filed separately.** An employer must file a motion for a stay of the order on appeal separately from any pleading or other communication with the board and must note "MOTION FOR STAY OF BENEFITS" prominently on the first page of the motion.

(4) **Expedited review.** The board will conduct an expedited review of the department claim file as it existed on the date of the department order on appeal. The board will issue a final decision on the motion for stay of benefits within twenty-five days of the filing of the motion for stay or the order granting appeal, whichever is later.

(5) **Appeal to superior court.** The board's final decision on the motion for stay of benefits may be appealed to superior court in accordance with RCW 51.52.110.

[Statutory Authority: RCW 51.52.020. WSR 14-24-105, § 263-12-11802, filed 12/2/14, effective 1/2/15.]