

WAC 314-42-070 Presumptions. Upon proof by direct, clear, and convincing evidence of the predicate facts in the following subdivisions, the board, with or without prior request and with adequate notice to all parties, may make the following presumptions. The facts may not be in substantial dispute and must be consistent with all surrounding facts and circumstances.

(1) **Identity.** Persons and objects of the same name and description are identical.

(2) **Delivery.** Mail, communications, express or freight, properly addressed, marked, billed and delivered to the post office, or authorized common carrier of property with all postage properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business.

(3) **Spoliation.** When a party in bad faith destroys, suppresses, or withholds evidence material to the case, the administrative law judge can presume the evidence would have been unfavorable to that party's position.

[Statutory Authority: RCW 66.08.030. WSR 08-17-056, § 314-42-070, filed 8/15/08, effective 9/15/08. Statutory Authority: RCW 66.08.030, 66.44.010, 66.24.010(3), chapter 34.05 RCW. WSR 01-11-058, § 314-42-070, filed 5/11/01, effective 6/11/01.]