

WAC 388-02-0215 What is the authority of the ALJ? (1) The ALJ must hear and decide the issues de novo (anew) based on what is presented during the hearing.

(2) As needed, the ALJ may:

(a) Determine the order for presenting evidence;

(b) Issue subpoenas or orders directing witnesses to appear or bring documents;

(c) Rule on objections, motions, and other procedural matters;

(d) Rule on an offer of proof made to admit evidence;

(e) Admit relevant evidence;

(f) Impartially question witnesses to develop the record;

(g) Call additional witnesses and request exhibits to complete the record;

(h) Give the parties an opportunity to cross-examine witnesses or present more evidence against the witnesses or exhibits;

(i) Keep order during the hearing;

(j) Allow or require oral or written argument and set the deadlines for the parties to submit argument or evidence;

(k) Permit others to attend, photograph or electronically record hearings, but may place conditions to preserve confidentiality or prevent disruption;

(l) Allow a party to waive rights given by chapters 34.05 RCW or 388-02 WAC, unless another law prevents it;

(m) Decide whether a party has a right to a hearing;

(n) Issue protective orders;

(o) Consider granting a stay if authorized by law or DSHS rule; and

(p) Take any other action necessary and authorized under these or other rules.

(3) The ALJ administers oaths or affirmations and takes testimony.

(4) The ALJ enters initial or final orders as provided for in WAC 388-02-0217.

[Statutory Authority: RCW 34.05.020, 34.05.220, 42 C.F.R. 431.10 (e) (3), 45 C.F.R. 205.100 (b) (3), chapter 34.05 RCW, Parts IV and V. WSR 08-21-144, § 388-02-0215, filed 10/21/08, effective 11/21/08. Statutory Authority: RCW 34.05.020, 34.05.220 and chapter 34.05 RCW, Parts IV and V. WSR 06-16-008, § 388-02-0215, filed 7/20/06, effective 8/20/06. Statutory Authority: RCW 34.05.020 and chapter 34.05 RCW, Parts IV and V. WSR 05-02-018, § 388-02-0215, filed 12/27/04, effective 1/27/05; WSR 03-13-046, § 388-02-0215, filed 6/11/03, effective 7/12/03. Statutory Authority: RCW 34.05.020, chapter 34.05 RCW, Parts IV and V, 2002 c 371, § 211. WSR 02-21-061, § 388-02-0215, filed 10/15/02, effective 11/15/02. Statutory Authority: RCW 34.05.020. WSR 00-18-059, § 388-02-0215, filed 9/1/00, effective 10/2/00.]