

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

OFFICE OF ADMINISTRATIVE HEARINGS
(agency name)

Administrative Order No. 5

(1) I, David R. LaRose, director of the Office of Administrative Hearings

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 10-08-180- Amending teleconference hearing section of uniform procedural rules for the conduct of contested cases

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 87-09-038 filed with the code reviser on April 14, 1987. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[X] (a) This rule is promulgated pursuant to RCW 34.12.080, RCW 34.04.020, RCW 34.04.022 and is intended to administratively implement that statute. [] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of (name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED June 15 1987 STATE OF WASHINGTON FILED

By [Signature] Chief Administrative Law Judge Title

JUN 15 1987

CODE REVISER'S OFFICE WSR 87-13-036

AMENDATORY SECTION (Amending Order 3, filed 11/1/82)

WAC 10-08-180 TELECONFERENCE HEARINGS. (1) The presiding officer, with the concurrence of the agency, may conduct all or part of the hearing by telephone, television, or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place((.)), provided the following conditions are met:

(a) A hearing held for the Department of Social and Health Services in the Aid to Families with Dependent Children program under title IV-A and the adult categories under titles I, X, XIV or XVI of the Social Security Act or in the food stamp disqualification program under 7 CFR 273.16 may be scheduled as a teleconference hearing only if the notice of hearing informs the applicant/recipient of his or her right to convert the hearing to an in-person hearing by notifying the presiding officer at least one week prior to the hearing that he or she chooses to have the hearing conducted in person. Such notification to the presiding officer may be given by telephone or mail directed to the presiding officer or given to the local community services office of the Department of Social and Health Services for transmittal to the presiding officer. The applicant/recipient is not required to show good cause for choosing an in-person hearing.

(b) In proceedings other than those described in subsection (a) ((T)) the presiding officer shall grant the motion of any party showing good cause for having the hearing conducted in person at a rescheduled time.

(2) Documentary evidence shall be submitted in advance as provided in WAC 10-08-140(2).