

WAC 391-35-210 Appeals. An order issued under WAC 391-35-190 and any rulings in the proceedings up to the issuance of the order may be appealed to the commission as follows:

(1) The due date for a notice of appeal is 20 days following the date of issuance of the order being appealed. The time for filing a notice of appeal cannot be extended.

(2) If an order has been appealed, the due date for a notice of cross-appeal by other parties is seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal must identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) A party that desires to cite or reassert a document previously filed in the matter must do so by reference to the document already on file and shall not file or attach another copy of the document to documents filed regarding an appeal.

(5) A notice of appeal or notice of cross-appeal must be filed and served as required by WAC 391-08-120.

(6) The due date for any appeal brief that the party filing an appeal or cross-appeal desires to have considered by the commission is 14 days following the filing of its notice of appeal or notice of cross-appeal. Any brief must be filed and served as required by WAC 391-08-120.

(7) The due date for any responsive brief that a party desires to have considered by the commission is 14 days following the date on which that party is served with an appeal brief. Any brief must be filed and served as required by WAC 391-08-120(1).

(8) The executive director or designee may extend the due date for an appeal brief or responsive brief. Requests to extend the due date may only be considered if made by the date the brief is due and in compliance with WAC 391-08-180. Extensions of time may not be routine or automatic.

(9) A party filing a brief under this section must limit the brief's total length to 25 pages (double-spaced, 12-point type), unless:

(a) It files and serves a motion for permission to file a longer brief to address novel or complex issues raised by the appeal; and

(b) The commission or its designee grants the motion for good cause shown.

(10) Any motion filed under subsection (9) of this section tolls the due date for briefs under subsections (1) and (2) of this section until the commission or its designee responds to the motion.

[Statutory Authority: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080, 47.64.135, and 49.39.060. WSR 22-23-101, § 391-35-210, filed 11/16/22, effective 1/1/23. Statutory Authority: RCW 41.56.060, 41.56.090, 41.58.050. WSR 08-04-059, § 391-35-210, filed 1/31/08, effective 4/1/08. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 34.05.464, 41.56.060 and 41.59.080. WSR 00-14-048, § 391-35-210, filed 6/30/00, effective 8/1/00; WSR 98-14-112, § 391-35-210, filed 7/1/98, effective 8/1/98. Statutory Authority: RCW 41.58.050, 28B.52.080, 41.56.090, 41.59.110, 41.56.060 and 41.59.080. WSR 90-06-073, § 391-35-210, filed 3/7/90, effective 4/7/90. Statutory Authority: RCW 34.04.022, 41.58.050, 41.56.090, 41.59.110 and 28B.52.080. WSR 85-19-059 (Resolution No. 85-01), § 391-35-210, filed 9/16/85. Statutory Authority: RCW 28B.52.080,

41.56.040, 41.58.050, 41.59.110 and 47.64.040. WSR 80-14-047 (Order 80-6), § 391-35-210, filed 9/30/80, effective 11/1/80.]