

WAC 446-40-110 Decision by the chief. (1) The chief shall review the record if he has not heard the evidence, and in all cases shall review the findings, exceptions and recommendations of the other members of the board, and decide on the basis of this material and upon no other basis or prior action whether the member shall or shall not be placed in or removed from disability retirement status. The chief may order the hearing reopened in the event he finds it necessary to do so to make a decision and he shall inform the board what additional inquiry is required. The board's supplemental action, if any, shall be made in the manner set out in WAC 446-40-070 through 446-40-100.

(2) In accordance with RCW 34.04.110, prior to making a final decision which is adverse to the member, the chief, if he has not heard or read the evidence, shall cause to be served on the member a proposal for decision, including findings of fact and conclusions of law, and shall afford the member an opportunity to file exceptions and present written arguments to the chief, who shall personally consider the whole record or such portions thereof as may be cited by the member. Such exceptions and arguments shall be filed with the office of the chief within twenty days of receipt of the proposal for decision. The chief may grant additional time for filing upon good cause shown. In his discretion, the chief may allow oral arguments in support of the exceptions.

[Statutory Authority: RCW 43.43.040. WSR 82-22-004 (Order 82-6), § 446-40-110, filed 10/21/82; Order 4, § 446-40-110, filed 2/27/76; Order II, § 446-40-110, filed 11/22/74.]