

WAC 10-16-010 Procedure for complaints regarding improper conduct of an administrative law judge. (1) Administrative law judges (ALJs) will at all times adhere to the fundamental principles of law, fairly and equitably. They should be fair in their rulings and should conduct the proceedings in a judicious manner.

(2) Any interested party to an administrative proceeding may file a complaint alleging improper conduct of an administrative law judge. For purposes of this section, an interested party is a person who has a right to receive notice of the administrative hearing, or was a witness, interpreter, or court reporter in an administrative hearing.

(3) The written complaint must include:

(a) The name of the ALJ;

(b) What the ALJ said or did that was improper;

(c) The date of incident;

(d) The individuals present; and

(e) Any other facts and information that would help the office of administrative hearings (OAH) investigate the complaint.

(4) A person filing a complaint must send it to OAH by mail or facsimile (fax) to the location listed on the notice or order, or by mail to 2420 Bristol Ct. S.W., P.O. Box 42488, Olympia, Washington, 98504-2488. A person may also file a complaint online at www.oah.wa.gov.

(5) OAH will acknowledge the complaint within 10 days after receiving it. A supervising ALJ (supervisor) will investigate the complaint. If the case is no longer pending before OAH when the complaint is filed, the supervisor will respond to the person in writing within 30 days after receiving the complaint. If the case is pending before OAH when the complaint is filed, the supervisor will respond within 30 days after the ALJ issues their decision. If additional time is needed, the supervisor will tell the person in writing and state when the supervisor expects to send a response.

(6) If the investigation finds that the ALJ acted improperly, OAH will take appropriate action. If discipline is warranted, it shall be handled internally. The person who filed the complaint will not be told about any action taken against an individual judge, but may be told of policy or practice changes that result from the complaint.

(7) If the person who filed the complaint is not satisfied with the result of the investigation, they may ask the chief administrative law judge (chief) to review the complaint. The chief will review all facts and information related to the complaint and respond in writing. The chief's response will be final.

(8) Any questions concerning the complaint procedure may be asked by calling OAH at the number listed on the order or notice, or in writing by mail or fax as explained in subsection (4) of this section.

(9) Disagreements with an ALJ's decisions or rulings must only be handled through the appeal or petition for review process, rather than this complaint process. If the complaint is only about the decisions and rulings of the ALJ, it will not be investigated.

[Statutory Authority: RCW 34.12.080. WSR 24-02-072, § 10-16-010, filed 1/2/24, effective 2/2/24. Statutory Authority: RCW 34.05.020 and 34.12.030. WSR 99-20-115, § 10-16-010, filed 10/6/99, effective 11/6/99.]