

WAC 242-03-830 Postdecision motions—Reconsideration. (1) After issuance of a final decision any party may file a motion for reconsideration with the board in accordance with subsection (2) of this section. Such motion must be filed and served within ten days of service of the final decision. Within ten days of filing the motion for reconsideration, a party may file an answer to the motion for reconsideration without direction or request from the board. The board may require an answer or additional briefing from other parties.

(2) A motion for reconsideration shall be based on at least one of the following grounds:

(a) Errors of procedure or misinterpretation of fact or law, material to the party seeking reconsideration; or

(b) Irregularity in the hearing before the board by which such party was prevented from having a fair hearing.

(3) In response to a motion for reconsideration, the board may deny the motion, modify its decision, or reopen the hearing. The motion for reconsideration shall be disposed of by the same panel that entered the order, if reasonably available. A motion is deemed denied, if, within twenty days from the date the motion for reconsideration is filed, the board does not either:

(a) Dispose of the motion; or

(b) Serve the parties with a written notice specifying the date by which it will act on the motion.

(4) Upon receipt of a letter from a party identifying typographical errors or clerical mistakes in a final order, the board may, without objection, issue a corrected order. The letter must be filed within the deadline for motions for reconsideration and should indicate that the sender has obtained the concurrence of all other parties. Issuance of a corrected order does not extend the time for filing a petition for judicial review.

(5) A decision in response to the motion for reconsideration shall constitute a final decision and order for purposes of judicial review. A board order on a motion for reconsideration is not subject to a motion for reconsideration.

(6) No motion for reconsideration stays the effectiveness of the board's final decision and order.

[Statutory Authority: RCW 36.70A.270(7). WSR 11-13-109, § 242-03-830, filed 6/21/11, effective 7/22/11.]