

WAC 192-800-040 What are the timeliness requirements for submitting an appeal or a petition for review? (1) An appeal or a petition for review from a determination, redetermination, order and notice of assessment of premiums or penalties, appeals decision, or commissioner's decision is deemed filed and received if the provisions within RCW 50A.50.040 are met.

(2) An appeal must be filed within thirty days of the date the notification or mailing, whichever is the earlier. The appeal must be filed in accordance with the provisions of RCW 50A.50.010.

(3) The petition for review must be filed within thirty days of the date of delivery or mailing of the decision of the office of administrative hearings, whichever is the earlier. The petition for review must be filed in accordance with the provisions of RCW 50A.50.080.

(4) The following factors shall be considered in determining whether good cause exists under RCW 50A.50.120 for the late filing of an appeal or a petition for review:

(a) The length of the delay;

(b) The excusability of the delay; and

(c) Whether acceptance of the late filed appeal or petition for review will result in prejudice to other interested parties, including the department.

(5) In determining the excusability for the late filing of an appeal or petition for review, the office of administrative hearings or the commissioner's review office will consider:

(a) Whether any physical, mental, educational or linguistic limitations of the appealing or petitioning party exist, including any lack of facility with the English language; and

(b) The length of the delay in filing. Untimely appeals filed after the filing deadline require a more compelling reason commensurate with the length of the delay.

[Statutory Authority: RCW 50A.04.215. WSR 19-23-090, § 192-800-040, filed 11/19/19, effective 12/20/19.]