

WAC 292-100-170 Review of initial orders by an administrative law judge. (1) An initial order by an administrative law judge will become the final order of the board within 45 days of the initial order unless:

(a) A board member determines that the initial order should be reviewed as provided in WAC 292-100-175;

(b) A party files a petition for review of the initial order within 30 days of the entry of the initial order.

(2) The petition for review must specify the portions of the initial order to which exception is taken and refer to the evidence of record relied upon to support the petition.

(3) Petitions for review must be filed with the executive director and served on all other parties. The party not filing the petition for review will have 20 days to reply to the petition for review. The reply must be filed with the executive director and copies of the reply must be served on all other parties. A reply to a petition for review may include a cross-petition for review.

(4) If the reply contains a cross-petition for review, it must specify portions of the initial order to which exception is taken by the replying party, and refer to the evidence of the record relied upon. A respondent to a cross-petition for review will have 20 days to reply to the cross-petition for review. The reply to the cross-petition for review must be filed with the executive director and copies of the reply to the cross-petition for review must be served on all other parties.

(5) When considering a petition for review, the board must consider the whole record or the portions of it cited by the parties.

(a) The board will afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument.

(b) The board will enter a final order disposing of the proceeding.

(c) The board must serve copies of the final order on all parties, the complainant, and the employing agency.

[Statutory Authority: RCW 42.52.360. WSR 21-24-094, § 292-100-170, filed 12/1/21, effective 1/1/22. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-100-170, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 99-06-073, § 292-100-170, filed 3/2/99, effective 4/2/99. Statutory Authority: Chapter 42.52 RCW and RCW 42.52.360 (2)(b). WSR 96-22-028, § 292-100-170, filed 10/30/96, effective 11/30/96.]