

WAC 110-03-0560 Authority of the review judge. (1) The review judge reviews initial orders and enters final orders. The review judge has the same decision-making authority as the ALJ. The review judge considers the entire record and decides the case de novo (anew). In reviewing the findings of fact, the review judge must give due regard to the ALJ's opportunity to observe witnesses.

(2) A review judge may remand (return) cases to OAH for further action and may authorize temporary relief if appropriate.

(3) A review judge's authority is limited to those powers granted by statute or rule. The review judge has no inherent or common law powers.

(4) The review judge's order is the DCYF final order in the case, and the review judge serves the final order on each party and the agency. If the review judge's final order upholds the department's action, the appealing party must comply with the final order unless the appealing party obtains a stay of the effectiveness of the final order from the superior court after filing a petition for judicial review in accordance with WAC 110-03-0590.

[Statutory Authority: RCW 34.05.220, 43.216.020, and 43.216.065. WSR 20-02-031, § 110-03-0560, filed 12/19/19, effective 1/19/20.]