

**WSR 23-21-080**  
**PROPOSED RULES**  
**OFFICE OF**  
**ADMINISTRATIVE HEARINGS**  
[Filed October 16, 2023, 8:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-16-080.

Title of Rule and Other Identifying Information: Agency organization—Public records, chapter 10-04 WAC.

Hearing Location(s): On Monday, November 27, 2023, at 10:30 a.m., virtual via Microsoft Teams or call in. See the office of administrative hearings (OAH) website at <https://oah.wa.gov/Content-Area-Management/Rule-Making-Hub/Rulemaking-Activities> for the most up-to-date information.

Date of Intended Adoption: No sooner than November 28, 2023.

Submit Written Comments to: Johnette Sullivan, Deputy Chief ALJ, P.O. Box 42488, Olympia, WA 98504-2488, email [rulemaking@oah.wa.gov](mailto:rulemaking@oah.wa.gov), fax 360-664-8721. To request a language interpreter or free oral translation, call 360-407-2700; see Language Assistance List ([wa.gov](http://wa.gov)) [contact agency for link].

Assistance for Persons with Disabilities: Contact Johnette Sullivan, deputy chief ALJ, phone 509-867-7962, fax 360-664-8721, TTY 711, email [OAH\\_ADACoordinator@oah.wa.gov](mailto:OAH_ADACoordinator@oah.wa.gov), by Wednesday, November 22, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The changes to chapter 10-04 WAC are intended to improve clarity and readability. The proposal adds "OAH" to "Office" to mean the office of administrative hearings, and clarifies the definition of the way administrative law judges are organized within the agency by divisions based on work assignments. The five divisions are as follows:

- Headquarters,
- Child and family care,
- Public assistance and health,
- Regulatory and education, and
- Unemployment insurance.

The proposal clarifies that OAH's procedures are found in Title 10 WAC.

Reasons Supporting Proposal: OAH's proposal is clearly and simply stated. The proposal meets the Public Records Act requirement for statements of general methods and operations, including the nature and requirements of formal and informal procedures. RCW 42.56.040.

Statutory Authority for Adoption: RCW 34.12.030 and 42.56.040.

Statute Being Implemented: RCW 42.56.040.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: OAH, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Johnette Sullivan, Deputy Chief ALJ, 2420 Bristol Court S.W., Olympia, WA 98502, 360-407-2700.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. OAH's proposed amendment does not involve rules of any of the agencies identified in RCW 34.05.328(5) for which a cost-benefit analysis is required.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: [No information supplied by agency].

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

October 10, 2023

Lorraine Lee

Chief Administrative Law Judge

## OTS-5015.1

AMENDATORY SECTION (Amending WSR 18-01-144, filed 12/20/17, effective 1/20/18)

**WAC 10-04-015 Definitions.** The definitions set forth in RCW 42.56.010 apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Case" means an adjudicative proceeding as defined in RCW 34.05.010(1).

(2) "Case file" means the same thing as "official record" while a case is pending with the office. Once a case is no longer pending with the office, "case file" means any records possessed by the office which are copies of all or part of the official record.

(3) "Days" means calendar days unless otherwise stated.

(4) "Office" and "OAH" mean((s)) the office of administrative hearings. Where appropriate, office also refers to the staff and employees of the office of administrative hearings.

(5) "Official record" means the complete record of a case, as defined in RCW 34.05.476. The official record may be either paper or electronic. The official record does not include any additional copies or drafts of documents, or notes.

(6) "Page" means one impression on a single side of a sheet of paper, or the electronic equivalent.

(7) "Public records officer" means the public records officer or designee for the office appointed by the chief administrative law judge.

(8) "Referring agency" means an agency that refers cases to the office under RCW 34.05.425 (1)(c).

[Statutory Authority: RCW 34.12.030(6). WSR 18-01-144, § 10-04-015, filed 12/20/17, effective 1/20/18.]

## OTS-5016.1

AMENDATORY SECTION (Amending WSR 18-01-144, filed 12/20/17, effective 1/20/18)

**WAC 10-04-025 Organization, operations, and procedures.** ((The office is under the direction of)) The chief administrative law judge directs OAH. Administrative law judges preside over hearings ((in cases)) and issue initial or final orders, including findings of fact and conclusions of law. ((Administrative law judges are assigned to locations)) OAH is physically located in Olympia, Seattle, Spokane Valley, and Tacoma. OAH has five divisions: Headquarters, child and family care, public assistance and health, regulatory and education, and unemployment insurance. Procedures governing administrative proceedings and other information are available in Title 10 of the Washington Administrative Code (WAC).

[Statutory Authority: RCW 34.12.030(6). WSR 18-01-144, § 10-04-025, filed 12/20/17, effective 1/20/18.]