

WSR 24-21-026

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed October 7, 2024, 11:23 a.m., effective November 7, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule making will amend WAC 192-140-035 What happens if I do not respond to a request for information?. The rule making will correct inconsistent terminology within WAC 192-140-035. WAC 192-140-035 currently states that the employment security department (department) will presume an individual is disqualified from receiving unemployment benefits if they provide potentially disqualifying information, or fail to provide necessary information, and then they do not respond to a request for specific information. The rule then states that the department will deny benefits under RCW 50.20.010. However, RCW 50.20.010 is not a disqualification statute; rather, it sets out a claimant's eligibility for unemployment benefits. The rule will be amended to clarify that a failure to respond to a request for information will lead to either disqualification from or ineligibility for benefits.

Citation of Rules Affected by this Order: Amending WAC 192-140-035.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.12.042, 50.20.010, 50.20.050, 50.20.060, 50.20.066, 50.20.070, 50.20.080, 50.20.085, 50.20.090, 50.20.095.

Adopted under notice filed as WSR 24-14-005 on June 21, 2024.

A final cost-benefit analysis is available by contacting Lawrence Larson, P.O. Box 9046, Olympia, WA 98507-9046, phone 425-465-0313, fax 844-652-7096, TTY relay 771 [711], email esdgpuirules@esd.wa.gov, website <https://www.esd.wa.gov/newsroom/ui-rulemaking/standard-occupational-code-reporting>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 7, 2024.

Joy Adams
Employment System Policy Director

OTS-5413.1

AMENDATORY SECTION (Amending WSR 23-19-006, filed 9/6/23, effective 10/7/23)

WAC 192-140-035 What happens if I do not respond to a request for information? (1) The department will presume that you are disqualified from or ineligible for benefits if you provide information indicating you are potentially (~~(disqualifying information)~~) disqualified from or ineligible for benefits, or fail to provide necessary information (~~(r)~~) and (~~(then)~~) do not respond to a request for specific information. The department will deny benefits (~~(under RCW 50.20.010)~~) based on this presumption.

(2) This denial is for an indefinite period of time and will continue until either:

(a) You provide the requested information;

(b) You qualify and are eligible for a new, separate unemployment claim and the information requested under subsection (1) of this section is not relevant for your new claim; or

(c) The request for information was made pursuant to a quality control review under 20 C.F.R. § 602.11 and your response is no longer needed for the quality control review.

(3) Once you provide the requested information, the department may issue a redetermination under RCW 50.20.160. The department will issue a new decision allowing benefits if you provide enough information to establish your qualification and eligibility for benefits.