

## WSR 22-05-029

## PERMANENT RULES

## EMPLOYMENT SECURITY DEPARTMENT

[Filed February 7, 2022, 9:10 a.m., effective March 10, 2022]

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

Purpose: WAC 192-110-150 clarifies that an individual with power of attorney or other authorization may not file a claim for benefits, testify, or otherwise certify on behalf of another. The rule currently references RCW 9A.72.085, which addressed standards for subscribing to unsworn statements, but was repealed by section 6, chapter 232, Laws of 2019, (SSB 5017), effective July 1, 2021. Statutory references to RCW 9A.72.085 were thereafter replaced with references to chapter 5.50 RCW, the Uniform Unsworn Declarations Act. This proposal would similarly replace the reference in WAC 192-110-150 to RCW 9A.72.085 with a reference to chapter 5.50 RCW.

Citation of Rules Affected by this Order: Amending WAC 192-110-150.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department; RCW 50.20.140; chapter 5.50 RCW.

Adopted under notice filed as WSR 21-23-100 on November 17, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: February 7, 2022.

Dan Zeitlin  
Employment Security Policy Director

**OTS-3420.1**

AMENDATORY SECTION (Amending WSR 10-11-046, filed 5/12/10, effective 6/12/10)

**WAC 192-110-150 May I have an individual with power of attorney or other authorization file an initial or weekly claim for benefits, testify in my place, or otherwise certify on my behalf?** No. ((RCW 9A.72.085)) Chapter 5.50 RCW requires that an oath, certification, verification or declaration must be signed or sworn to by the person making it. (Exception: An estate executor or administrator may file a claim for the last completed calendar week prior to a claimant's death.)

(1) You are required to personally certify on your initial application for benefits and weekly claims that the information provided to the department is correct.

(2) An individual with power of attorney may not testify in your place in any adjudicative proceeding. Such individual may file an appeal on your behalf if he or she provides the department with a copy of the document granting him or her power of attorney. Such individual may also be called as a witness on your behalf or assist with the preparation of your case but you must provide sworn testimony in support of your appeal.

(3) An agent with power of attorney may not otherwise act on your behalf when statutes or regulations specifically or implicitly require your signature or personal certification.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-110-150, filed 5/12/10, effective 6/12/10.]