

WSR 25-17-030

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 13, 2025, 8:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-10-035.

Title of Rule and Other Identifying Information: WAC 192-04-170

Decision of the commissioner—Petition for review—Filing—Reply.

Hearing Location(s): On September 25, 2025, at 9:00 a.m.,

[https://esd-wa-gov.zoom.us/j/83484923269?](https://esd-wa-gov.zoom.us/j/83484923269?pwd=17CR3pF5Y7S85EeFDOzTWkfttrHMzcG.1)

[pwd=17CR3pF5Y7S85EeFDOzTWkfttrHMzcG.1](https://esd-wa-gov.zoom.us/j/83484923269?pwd=17CR3pF5Y7S85EeFDOzTWkfttrHMzcG.1), Meeting ID 834 8492 3269, Pass-code 910930; or One-tap mobile +16469313860,,83484923269#,,,,*910930# U.S., +13017158592,,83484923269#,,,,*910930# U.S. (Washington DC).

Date of Intended Adoption: October 25, 2025.

Submit Written Comments to: Stephanie Frazee, P.O. Box 9046, Olympia, WA 98507-9046, email esdgpuirules@esd.wa.gov, fax 844-652-7096, beginning on the date of filing, by September 25, 2025, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Teresa Eckstein, phone 360-507-9890, fax 360-586-4600, TTY relay 711, email Teresa.eckstein@esd.wa.gov, by September 18, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to make the filing requirements for the commissioner's review office consistent. Under current rules, petitions for review by the commissioner's review office are considered filed when they are mailed, but replies to petitions for review are considered filed when they are received by the commissioner's review office. This rule making specifies that a reply to a petition for review must be filed in accordance with RCW 50.32.025. As a result, a reply must be mailed, rather than received by, the commissioner's review office by the applicable 15-day deadline.

Reasons Supporting Proposal: This update makes the filing requirements for the commissioner's review office more consistent. Under the amendment to the rule, petitions for review and replies that are mailed will both be treated as filed when they are mailed, rather than when they are received.

Statutory Authority for Adoption: RCW 34.05.220, 50.12.010, 50.12.040, 50.32.025, 50.32.070, and 50.32.080.

Statute Being Implemented: RCW 50.32.025 and 50.32.070.

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

Name of Proponent: Employment security department, governmental.

Name of Agency Personnel Responsible for Drafting: Stephanie Frazee, Olympia, Washington, 425-465-0313; Implementation and Enforcement: JR Richards, Olympia, Washington, 360-463-1079.

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. This rule does not require a cost-benefit analysis because it is a procedural rule under RCW 34.05.328 (5) (c) (i).

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

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to

agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Explanation of exemptions: This rule making concerns filing procedures related to agency hearings.

Scope of exemption for rule proposal:

Is fully exempt.

August 13, 2025

Joy Adams, Director

Employment Security, Policy and Integrity

RDS-6462.1

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

WAC 192-04-170 Decision of commissioner—Petition for review—

Filing—Reply. (1) The written petition for review must be filed by using the department's online services or by mailing it to the Commissioner's Review Office, Employment Security Department, Post Office Box 9555, Olympia, WA 98507-9555, within (~~(thirty)~~) 30 days of the date of mailing or delivery of the decision of the office of administrative hearings, whichever is the earlier.

(2) Any written argument in support of the petition for review must be attached to the petition for review and be filed at the same time. The commissioner's review office will acknowledge receipt of the petition for review by assigning a review number to the case, entering the review number on the face of the petition for review, and setting forth the acknowledgment date on the petition for review. The commissioner's review office will also send copies of the acknowledged petition for review and attached argument in support thereof to the petitioning party, nonpetitioning party and their representatives of record, if any.

(3) Any reply to the petition for review and any argument in support thereof by the nonpetitioning party must be filed by using the department's online services or by mailing it to the Commissioner's Review Office, Employment Security Department, Post Office Box 9555, Olympia, WA 98507-9555. The reply must be (~~(received by)~~) filed with the commissioner's review office within (~~(fifteen)~~) 15 days of the date of the acknowledged petition for review. An informational copy must be mailed by the nonpetitioning party to all other parties of record and their representatives, if any.

(4) The petition for review and argument in support thereof and the reply to the petition for review and argument in support thereof must:

(a) Be captioned as such, set forth the docket number of the decision of the office of administrative hearings, and be signed by the party submitting it or by his or her representative.

(b) Be legible, reproducible and five pages or less.

(c) Be filed in accordance with the provisions of RCW 50.32.025.

(5) Arrangements for representation and requests for copies of the hearing record and exhibits will not extend the period for the

filing of a petition for review, argument in support thereof, or a reply to the petition for review.

(6) Any argument in support of the petition for review or in reply thereto not submitted in accordance with the provisions of this regulation shall not be considered in the disposition of the case absent a showing that failure to comply with these provisions was beyond the reasonable control of the individual seeking relief.