

WSR 25-22-038

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed October 29, 2025, 9:40 a.m., effective November 29, 2025]

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

Purpose: The purpose of this rule making is to make the filing requirements for the office of the insurance commissioner's (commissioner) 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 [to], rather than received by, the commissioner's review office by the applicable 15-day deadline.

Citation of Rules Affected by this Order: Amending WAC 192-04-170.

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

Adopted under notice filed as WSR 25-17-030 on August 13, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 29, 2025.

Joy Adams
Employment System Policy
and Integrity Director

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.