

WAC 139-03-020 Request for adjudicative proceedings. (1) All applications requesting that the commission conduct an adjudicative proceeding shall be made on a form provided by the commission for that purpose. The application must specify the issue to be brought before the commission, including:

(a) The action for which review is requested, identified by date and description of action;

(b) The direct and adverse effects of such action;

(c) The corrective or remedial action or other relief sought;

(d) The name and mailing address of the requesting party; and

(e) A statement that the person signing the request for review has read it and that to the best of their knowledge or information and belief the contents thereof are true.

(2) Applications for adjudicative proceedings shall be made within thirty calendar days of:

(a) Service upon the applicant of the proposed commission action giving rise to the application; or

(b) Notice to the applicant from any source of action by the commission or commission staff which the applicant believes will adversely affect the applicant.

(3) Failure of an applicant to file an application for an adjudicative proceeding within the time limits set forth in subsection (2) of this section, constitutes a default and results in the loss of the applicant's right to an adjudicative proceeding. The commission may proceed to resolve the matter pursuant to RCW 34.05.440(1).

(4) An application for adjudicative proceeding must be served personally or delivered by certified mail upon the director of the commission.

(5) The commission will process applications for adjudicative proceedings in accordance with RCW 34.05.416 and 34.05.419.

(6) If the commission decides to proceed with an adjudicative proceeding, the director will designate a presiding officer, which may be an administrative law judge from the state office of administrative hearings. The presiding officer will: Schedule and conduct an adjudicative proceeding under chapter 34.05 RCW; and

(7) Upon receiving a request for adjudicative proceeding, the commission may at the request of the applicant, or on its own initiative, schedule an informal settlement conference that shall be without prejudice to the rights of the parties.

(8) This section shall not apply to a request for a variance or exemption pursuant to WAC 139-03-030.

[Statutory Authority: RCW 43.101.080. WSR 05-07-049, § 139-03-020, filed 3/11/05, effective 4/11/05; WSR 00-17-017, § 139-03-020, filed 8/4/00, effective 9/4/00.]