

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES
STATE OF WASHINGTON

In re:

LYLE POWELL,

Appellant,

Determination of Compliance DOC-091-17

OAH Docket No. 03-2017-LI-00410

No. 2017-008-WPA

DIRECTOR'S ORDER
REMANDING TO OFFICE OF
ADMINISTRATIVE HEARINGS

RCW 49.48.084(4); RCW 34.05

Joel Sacks, Director of the Washington State Department of Labor & Industries, having considered the Order Dismissing Appeal (Order), having considered the petition for administrative review filed by Lyle Powell (the Appellant), and briefing submitted to the Director's Office, and having reviewed the record, issues this Director's Order.

The parties in this matter are the Department of Labor & Industries and the Appellant.

The Director makes the following Findings of Fact, Conclusions of Law, and Final Decision and Order.

I. FINDINGS OF FACT

1. The Office of Administrative Hearings issued and served the Order on March 29, 2017.
2. On March 30, 2017, the Director received a timely filed petition for review from Appellant.

NO. 2017-008-WPA

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3. The Appellant failed to appear at a prehearing conference on March 29, 2017.
4. The Appellant had a lapse of memory due to stress caused by his wife's cancer treatment, and thought the hearing was at 11:00 a.m., instead of 9:00 a.m.


II. CONCLUSIONS OF LAW

1. Based on the Appellant's timely filed petition for review, there is authority to review and decide this matter under RCW 49.48.084 and RCW 34.05.
2. The Director finds good cause to vacate the Order and to remand for further hearings.

III. DECISION AND ORDER

Consistent with the above Findings of Fact and Conclusion of Law, this matter is remanded for hearing.

DATED at Tumwater this 1 day of June, 2017.



JOEL SACKS
Director

SERVICE

This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

APPEAL RIGHTS

Reconsideration. Any party may file a petition for reconsideration. RCW 34.05.470. Any petition for reconsideration must be filed within 10 days of service of this Order and must state the specific grounds on which relief is requested. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order **or** (b) there is specific material error of fact or law. A petition for reconsideration, together with any argument in support thereof, should be filed by mailing or delivering it directly to Joel Sacks, Director of the Department of Labor and Industries, P. O. Box 44001 Olympia, Washington 98504-4001, with a copy to all other parties of record and their representatives. Filing means actual receipt of the document at the Director's Office. RCW 34.05.010(6).

Judicial review. This is not a final order and may not be appealed to superior court.

DECLARATION OF MAILING

I, Lisa RODRIGUEZ, hereby declare under penalty of perjury under the laws of the State of Washington, that the DIRECTOR'S ORDER was mailed on the 1 day of June 2017, to the following via regular and certified mail, postage prepaid.

Lyle Powell
3307 E. 55th Avenue, Apt. 138
Spokane, WA 99223

Kevin Elliott
Office of the Attorney General
1116 West Riverside Ave., Suite 100
Spokane, WA 99201

SBDS, LLC
c/o John Shields
1816 W. Liberty Avenue
Spokane, WA 99205

DATED this 1 day of June, 2017, at Tumwater, Washington.

