

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES
STATE OF WASHINGTON

In re:

COURTNEY THOMPSON dba THE
HOLY BREW,

Appellant.

Citation No. W-039-18

OAH Docket No. 12-2017-LI-00635

2018-007-WPA

DIRECTOR'S ORDER
REMANDING APPEAL

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 served on February 5, 2018, having considered the petition for review filed by Courtney Thompson (the Appellant) with the Director's Office 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 (Department) and the Appellant.

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

I. FINDINGS OF FACT

1. On January 4, 2018, the Office of Administrative Hearings sent notice of a pre-hearing conference scheduled for January 30, 2018, at 10:00 am.
3. On January 30, 2018, the Appellant tried to call in to the conference call but the pin number did not work so she failed to appear.
4. The Office of Administrative Hearings served the Order Dismissing Appeal on February 5, 2018.
5. On March 7, 2018, the Director received a timely filed petition for administrative review from the Appellant.
6. The Department did not take a position on Appellant’s petition.

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. RCW 34.05.440(2) provides: “If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding . . . , the presiding officer may serve upon all parties a default or other dispositive order, which shall include a statement of the grounds for the order.”
3. Because Appellant has alleged circumstances that constitute good cause to miss the conference, the Order Dismissing Appeal is vacated and the case is remanded to the Office of Administrative Hearings for hearing.

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III. DECISION AND ORDER

Consistent with the above Findings of Fact and Conclusions of Law, the Order Dismissing Appeal is vacated and this case is remanded to the Office of Administrative Hearings for hearing.

DATED at Tumwater this 2 day of April, 2018



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 emailing it to directorappeal@lni.wa.gov or 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 an interlocutory order, with no judicial review. A party may appeal any further Director's order after remand.

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 2 day of April 2018, to the following via regular mail, postage prepaid.

Courtney Thompson
4422 South Donald Court
Spokane, WA 99223

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

Beau Miller
1008 Salnave Rd.
Cheney, WA 99004

DATED this 2 day of April, 2018, at Tumwater, Washington.



Lisa Rodriguez