

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES
STATE OF WASHINGTON

In re:	2018-019-WPA
READY REMODELING, LLC AND JOHN MADDEN	REMAND ORDER
Appellant,	RCW 49.48.084(4); RCW 34.05
Citation No. W-302-18	
<u>OAH Docket No. 05-2018-LI-00749</u>	

Joel Sacks, Director of the Washington State Department of Labor & Industries, having considered the Order Dismissing Appeal served on June 20, 2018, having considered the petition for review filed by Ready Remodeling, LLC and John Madden (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 Remand Order.

I. FINDINGS OF FACT

1. The Appellant failed to appear at a scheduling conference at Office of Administrative Hearings.
2. The Office of Administrative Hearings issued and served the Order Dismissing Appeal on June 20, 2018.
3. On July 3, 2018, the Director received a timely filed petition for administrative review from the Appellant.

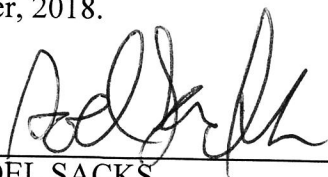
II. CONCLUSIONS OF LAW

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. The record is inadequate to determine if there was good cause to miss the scheduling conference, and the matter is remanded to take further evidence and issue an Initial Order as to whether there was good cause to miss the conference.

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 Office of Administrative Hearings for hearing.

DATED at Tumwater this 12 day of October, 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).

DECLARATION OF MAILING

I, Lisa Deck, hereby declare under penalty of perjury under the laws of the State of Washington, that the DIRECTOR'S REMAND ORDER was mailed on the 12 day of October 2018, to the following via regular mail, postage prepaid.

John Madden
Ready Remodeling Inc.
4720 View Drive
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Sarah Reyneveld
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Alexander Norry
6912 73rd Place SE
Snohomish, WA 98290

DATED this 12 day of October, 2018, at Tumwater, Washington.



Lisa Deck