

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES
STATE OF WASHINGTON

In re:

COMMERCE COOPERATIVE and
JOHN WANTZ,

Appellants,

Determination of Compliance: W-431-19

OAH Docket No. 08-2019-LI-01163

2020-013-WPA

DIRECTOR'S ORDER

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 March 26, 2020, having considered the timely petition for administrative review filed by Commerce Cooperative and John Wantz (the Appellant) and the record before the Director, issues this Director's order:

This matter is remanded to the Office of Administrative Hearings to determine whether the Appellant had good cause to not appear at the March 11, 2020 Status Conference. The Administrative Law Judge should make a credibility finding as to John Wantz's claim he did not receive the notice. If the ALJ finds good cause, the matter should proceed to hearing. If not, then an order denying the request to vacate the order of dismissal should be issued.

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2020-013-WPA

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DIRECTOR'S ORDER

RCW 49.48.084(4); RCW 34.05

DATED at Tumwater this 1 day of September, 2020.



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).

NOTE: This is an interlocutory order without appeal rights to superior court.

DECLARATION OF MAILING

I, Lisa Deck, 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 September 2020, to the following via e-mail and regular mail, postage prepaid.

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DATED this 1 day of Sept., 2020, at Tumwater, Washington.



Lisa Deck