

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES
STATE OF WASHINGTON

In re:

DOCEO LLC DBA H&H MOVING CO.
AND JACK HOLT

Appellants,

Citation and Notice of Assessment: W-
274-21

OAH Docket No. 09-2021-LI-01711

2022-010-WPA

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-Default served on September 30, 2021, having considered the Petition for Administrative Review filed by the Appellants with the Director's Office and briefing submitted to the Director's Office, and having reviewed the record, issues this Order Remanding to Office of Administrative Hearings (OAH).

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

I. FINDINGS OF FACT

1. On September 9, 2021, OAH sent notice of a pre-hearing conference scheduled for September 28, 2021.
3. On September 28, 2021, the Appellants failed to appear.
4. OAH served the Order Dismissing Appeal-Default on September 30, 2021.

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5. The Director received a timely filed Petition for Administrative Review from the Appellants.

6. Jack Holt for the Appellants reported that he did not appear due to a personal family emergency related to the COVID-19 pandemic. No other details were provided.

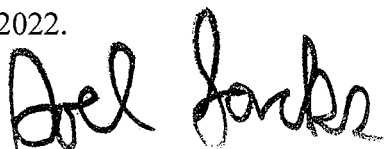
II. CONCLUSIONS OF LAW

1. Based on the Appellants' timely filed Petition for Administrative Review, there is authority to review and decide this matter under RCW 49.48.084 and RCW 34.05.

2. There are inadequate facts to determine whether there was good cause to miss the scheduling conference, so this matter is remanded to OAH. Any party may appeal the resulting OAH's initial order.

Consistent with the above Findings of Fact and Conclusion of Law, the Order Dismissing Appeal-Default is vacated and this case is remanded to OAH for further proceedings consistent with this Order.

DATED at Tumwater this 15 day of March, 2022.



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: A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the 30-day period will begin to run upon the resolution of that petition. A timely filed petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed, the Director does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which it will act on the petition. RCW 34.05.470(3).

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 15 day of March 2022, to the following via regular mail, postage prepaid.

Doceo LLC dba H&H Moving Co. and
Jack Holt
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henryjames37@gmail.com

DATED this 15 day of March, 2022, at Tumwater, Washington.


Lisa Deck