

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES
STATE OF WASHINGTON

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| In re: | 2022-012-WPA |
| Espionage Cosmetics, LLC, and Jaimie Cordero, | DIRECTOR'S ORDER |
| Appellant, | RCW 49.48.084(4); RCW 34.05 |
| Citation No.: W-234-21 | |
| <u>OAH Docket No. 07-2021-LI-01692</u> | |

Joel Sacks, Director of the Washington State Department of Labor & Industries, having considered the Order Dismissing Appeal served on November 16, 2021, having considered the petition for review filed by 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. The Appellant failed to attend a November 12, 2021 prehearing conference.

2. The Office of Administrative Hearings issued and served the Order Dismissing Appeal-Default on November 16, 2021.

5. The Director received a timely filed petition for administrative review from the Appellant.

6. The Appellant claims there was a problem with mail be returned from the appellant's address.

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. On this record, the Director is unable to determine if there was good cause to miss the hearing. This matter is remanded to Office of Administrative Hearings to determine if there was good cause to miss the conference.

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III. DECISION AND ORDER

Consistent with the above Findings of Fact and Conclusion of Law, the Order Dismissing Appeal is vacated and this case is remanded to Office of Administrative Hearings for determination as to whether there was good cause to miss the prehearing conference. If good cause is found, the case should proceed to hearing; if good cause is not found, any aggrieved party may appeal as provided for in RCW 49.48.084.

DATED at Tumwater this 12 day of April, 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 12 day of April 2022, to the following via regular mail, postage prepaid and email.

Espionage Cosmetics, LLC
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DATED this 12 day of April 2022, at Tumwater, Washington.



LISA DECK