

**DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES  
STATE OF WASHINGTON**

In re:

TODD BODENHAMER,

Appellant,

Determination of Compliance No.  
DOC-088-23

OAH Docket No. 06-2023-LI-01887

No. 2024-008-WPA

DIRECTOR'S ORDER ON  
REMAND

RCW 49.48.084(4); RCW 34.05

Joel Sacks, Director of the Washington State Department of Labor & Industries, having considered the appeal filed by Todd Bodenhamer, (Appellant), briefing submitted to the Director's Office, and having reviewed the record, issues this Director's Order.

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

**I. FINDINGS OF FACT**

1. The Office of Administrative Hearings issued and served the Second Order Dismissing Appeal-Default on March 5, 2024.
2. The Director received a timely filed petition for review from the Appellant.
3. The Appellant failed to appear at the scheduled hearing in this matter. The Appellant said he told the Administrative Law Judge that he could not attend the hearing due to work. The Department says he agreed to the hearing dates.

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OFFICE OF THE DIRECTOR  
DEPARTMENT OF LABOR & INDUSTRIES  
P.O. BOX 44001  
OLYMPIA, WA 98504-4001

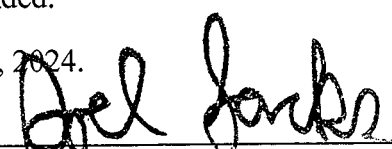
## II. CONCLUSIONS OF LAW

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. This matter involves an issue of credibility of the witnesses that the Director cannot resolve.
3. This matter is remanded to Office of Administrative Hearings to determine if there was good cause for missing the hearing.

## III. DECISION AND ORDER

Consistent with the above Findings of Fact and Conclusion of Law, and the Second Order Dismissing Appeal-Default on March 5, 2024, is remanded.

DATED at Tumwater this 27 day of August, 2024.

  
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JOEL SACKS  
Director

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## 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](mailto: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).

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**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 27 day of August 2024, to the following via regular, postage prepaid:

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DATED this 27 day of August, 2024, at Tumwater, Washington.

  
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LYSA DECK