

# ADMINISTRATIVE HEARING PROCEDURE INDEX

Compiled by *Brian Watkins, Administrative Law Judge*

The following table is presented as a quick topical index for administrative proceedings with references to applicable sections of the Washington Administrative Procedure Act – Chapter 34.05 RCW – and the Office of Administrative Hearings Model Rules of Procedure – Chapter 10-08 WAC. Several miscellaneous citations to other statutes and rules are also provided. This table can be readily adapted to include supplemental topics and citations to statutes and rules pertinent to proceedings under the jurisdiction of a specific agency. For example, a comprehensive index for Employment Security Department proceedings would include references to Chapter 50.32 RCW (Unemployment Compensation – Review, Hearings, and Appeals) and Chapter 192-04 WAC (Employment Security Department – Practice and Procedure).

| TOPICS                                           | WA-APA (Chapter 34.05 RCW) / OAH Model Rules of Procedure (Chapter 10-08 WAC) + |
|--------------------------------------------------|---------------------------------------------------------------------------------|
| ALJ, Disqualification of                         | RCW 34.05.425                                                                   |
| ALJ, Authority of                                | WAC 10-08-200                                                                   |
| ALJ, Procedure for Complaints against            | WAC 10-16-010                                                                   |
| ALJ, Motion of Prejudice                         | WAC 10-08-050                                                                   |
| Appeal, Must be written                          | WAC 10-08-035                                                                   |
| Appeal, Form of                                  | WAC 10-08-035                                                                   |
| Attorney, Subpoena under the APA                 | RCW 34.05.446(7)                                                                |
| Briefs and Documents, Post Hearing Submission of | RCW 34.05.461(7)                                                                |
| Consolidating appeals, When Permissible          | WAC 10-08-085                                                                   |
| Default                                          | RCW 34.05.440                                                                   |
| Depositions                                      | RCW 34.05.446                                                                   |
| Discovery                                        | RCW 34.05.446, CR 26 - 36,                                                      |
| Errata, Correcting                               | WAC 10-08-219                                                                   |
| Evidence                                         | RCW 34.05.452, WAC 10-08-140                                                    |
| Ex Parte Communications                          | RCW 34.05.455                                                                   |
| Exhibits                                         | WAC 10-08-140                                                                   |
| Filing and Fax Filing of Exhibits and Papers     | WAC 10-08-110(1), and 140(2),                                                   |
| Hearing, Public                                  | RCW 34.05.449(5)                                                                |
| Hearing, Format of                               | RCW 34.05.449                                                                   |
| Hearsay                                          | RCW 34.05.452 and RCW 34.05.461(4),                                             |
| Initial Order, Format and contents               | WAC 10-08-210, RCW 34.05.461(3)                                                 |
| Interpreters                                     | WAC 10-08-150                                                                   |

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| Interpreters, Oath Mandatory                                       | WAC 10-08-160(2)                                    |
| Interrogatories                                                    | RCW 34.05.446                                       |
| Judicial Review of Department Decision                             | RCW 34.05.510                                       |
| Lay Representative (Qualified?)                                    | RCW 34.05.428                                       |
| Limited English Speaking, Notice of Hearing                        | WAC 10-08-045                                       |
| Mediation, ALJ May Serve as Mediator                               | WAC 10-08-200                                       |
| Model Rules Shall Not Limit or Modify APA or Constitutional Rights | WAC 10-08-220                                       |
| Motion Practice                                                    | RCW 34.05.437                                       |
| Nonappearance at Hearing, Vacating Default                         | RCW 34.05.440                                       |
| Notice of Appearance                                               | WAC 10-08-083                                       |
| Notice of Hearing, at least 7 days prior to hearing                | WAC 10-08-040                                       |
| Oath or Affirmation Required, Format of Oath                       | WAC 10-08-160, RCW 5.28.020, <i>et seq.</i>         |
| Official Notice of Adjudicative Facts                              | RCW 34.05.452(5)                                    |
| Postponements and Continuances                                     | WAC 10-08-090                                       |
| Prehearing Order after Conference Mandatory                        | WAC 10-08-130(3)                                    |
| Prehearing Conferences                                             | WAC 10-08-130                                       |
| Protective Orders                                                  | RCW 34.05.446                                       |
| Record – What is Considered “The Record?”                          | RCW 34.05.476                                       |
| Record, Tape Recorded Record Permitted                             | RCW 34.05.449(4), WAC 10-08-170                     |
| Record, Correcting the Record                                      | WAC 10-08-219                                       |
| Recording of Hearings by Parties Permitted                         | WAC 10-08-190                                       |
| Settlements - Encouraged by OAH, procedures                        | WAC 10-08-230                                       |
| Subpoenas                                                          | WAC 10-08-120, RCW 34.05.446                        |
| Summary Judgment Motions                                           | WAC 10-08-135, Civil Rule 56 (procedural guidance). |
| Telephonic Hearings                                                | RCW 34.05.449(3), WAC 10-08-180                     |
| Time, Computation of                                               | WAC 10-08-080                                       |
| Transcripts                                                        | RCW 34.05.476                                       |
| Witnesses, Exclusion of                                            | RCW 34.05.449(5)                                    |
| Witnesses, Effect of Witness’s Refusal to Answer                   | WAC 10-08-140                                       |
| Witness Fee                                                        | RCW 34.05.446(7), RCW 2.40, RCW 5.56.010            |