

WAC 192-04-100 Appeals—Petitions for hearing or petitions for review—Withdrawal and reinstatement of. (1) Any interested party may withdraw (~~his or her~~) their appeal, petition for hearing, or petition for review at any time prior to a decision thereon, in which case the previous determination, redetermination, denial, order and notice of assessment or decision shall be final in accordance with the provisions of the Employment Security Act. Such withdrawal shall, however, be subject to the approval of the office of administrative hearings in the case of an appeal or petition for hearing, or of the commissioner in the case of a petition for review.

(2) After an order granting withdrawal of an appeal or an order granting withdrawal of a petition for hearing has been issued by the office of administrative hearings, a party may file a motion to reinstate appeal or motion to reinstate petition for hearing. The motion shall be filed with the office of administrative hearings. The motion may be granted for good cause shown.

(3) The following factors shall be considered in determining whether good cause exists under subsection (2) of this section:

(a) The length of time between the request for withdrawal and the motion to reinstate appeal or motion to reinstate petition and the reason for any delay;

(b) Any physical, mental, educational, or linguistic limitations of the moving party, including any lack of facility with the English language;

(c) Any mistake, inadvertence, surprise, excusable neglect, newly discovered information or evidence, or irregularity that led to the request to withdraw the appeal;

(d) Whether granting the motion will result in prejudice to other interested parties, including the department; and

(e) Any other factors relevant to the determination.