



# Concise Explanatory Statement

## Brief Adjudicative Process

### Introduction

Pursuant to RCW 34.05.325(6), the Employment Security Department (Department) hereby provides the Department’s reasons for adopting the rules, a description of the variances between the proposed rules and the adopted rules, and a summary of comments received regarding the proposed rules and responses to the comments.

### Reasons for adopting the rule

Due to unprecedented unemployment insurance claims during the COVID-19 pandemic, the Department and the Office of Administrative Hearings have a backlog of 40,947 pending appeals as of December 31, 2021. For comparison, there were 27,127 pending appeals at the end of 2020, and 2,470 at the end of 2019. This backlog has led to an average wait time of 167.3 days for appeals closed during December of 2021, compared to an average wait time of 31.58 days during December of 2019. The United States Department of Labor’s performance metric calls for 60% of appeals to be resolved within 30 days and 80% of appeals to be resolved within 45 days. In December 2019, the Department closed 71% of cases within 30 days and 94% of cases within 45 days. In December 2021, only 2% of appeals were resolved within 30 days and 4% of appeals within 45 days.

The Brief Adjudicative Process will allow the Office of Administrative Hearings to process appeals more quickly and reduce the backlog of appeals.

### Variance between proposed rule and final rule

There is no variance between the proposed rules and the adopted rules.

### Summary of comments to proposed rules and agency response

Public Comment	Agency Response
<b>Lorraine Lee, Office of Administrative Hearings</b> The Office of Administrative Hearings supports the adoption of brief adjudicative proceedings.	The Employment Security Department is adopting the rules as proposed.

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