

Introduction

Pursuant to RCW 34.05.328, the Employment Security Department (Department) hereby places into the rulemaking file an analysis of the determinations required by RCW 34.05.328(1).

Analysis

- a) RCW 50.20.010 sets forth a claimant's eligibility for unemployment benefits. Several statutes, including RCW 50.20.050, set forth reasons why a claimant may be disqualified from receiving benefits. The Department needs information from claimants in order to make eligibility and qualification determinations. If the Department requests information from a claimant, but the claimant does not respond, the Department must determine if the claimant is eligible or qualified for benefits with the information available. WAC 192-140-035 explains what happens when a claimant does not respond to a request for information from the Department. This rulemaking updates that rule to provide additional clarity.
- b) WAC 192-140-035 currently states that the Department will presume an individual is disqualified from receiving unemployment benefits if they provide potentially disqualifying information, or fail to provide necessary information, and then they do not respond to a request for specific information. The rule then states that the Department will deny benefits under RCW 50.20.010. However, RCW 50.20.010 is not a disqualification statute; rather, it sets out a claimant's eligibility for unemployment benefits. The amendments clarify for claimants the effect of not responding to a request for information—they will be either disqualified or ineligible for unemployment benefits. This rulemaking will also correct inconsistent terminology within WAC 192-140-035.
- c) A cost-benefit analysis has been prepared by the Department. The cost-benefit analysis is available on the Department's webpage.
- d) Under both the preliminary and final cost-benefit analysis, the Department determined the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.
- e) The amendments to WAC 192-140-035 represent the least burdensome alternatives.
- f) The rule does not require those to whom it applies to take an action that violates the requirements of another federal or state law.
- g) The rule does not impose any performance requirements on public or private entities.

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- h) This rule does not differ from any other federal regulation or statute.
 - i) The Department has coordinated this rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.