

NEW SECTION

WAC 192-320-081 What constitutes an "event" for the purpose of determining if there is a pattern of failing to respond timely or adequately? (RCW 50.29.021(6))

(1) An event occurs if a benefit overpayment is created, and the employer or the employer's agent significantly contributed to the overpayment by failing to respond timely or adequately without good cause to the department's written request for information relating to a claim.

(2) When deciding if an event has occurred, there must be a decision made by the department resulting in a benefit overpayment.

(3) An event may occur even if the employer is not in the base year of the claim.

(4) The department must examine past events which contributed to benefit overpayments when deciding if a pattern exists.

NEW SECTION

WAC 192-320-082 How will the department determine good cause exists for failing to respond timely or adequately? (RCW 50.29.021(6))

(1) The department may find that good cause exists in certain situations when the employer fails to respond due to an unforeseen event outside of the employer's or the employer's agent's control, such as:

(a) The death or serious illness of the employer;

(b) Destruction of the employer's place of business or business records not caused by, or at the direction of, the employer or the employer's agent;

(c) Fraud or theft against the employer.

(2) The employer is responsible to provide all pertinent facts and evidence or documentation for the department to determine good cause.

NEW SECTION

WAC 192-320-083 What is a written request for information? (RCW 50.29.021(6)) For the purposes of this chapter, a written

request for information relating to a claim is a paper or electronic transmission by the department requesting information from an employer or an employer's agent.

NEW SECTION

WAC 192-320-084 What is an employer's agent? (RCW 50.29.021(6)) For the purposes of this chapter, the employer's agent is the employer's designated representative responsible for providing information to the department.