

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES  
STATE OF WASHINGTON

In re:

THAALIS LLC AND ADIAMAN  
VELNAMBI

APPELLANT,

Citation and Notice of Assessment No. W-  
557-18

OAH Docket No. 10-2018-LI-00891

2019-011-WPA

DIRECTOR'S ORDER

RCW 49.48.084(4); RCW 34.05

Joel Sacks, Director of the Washington State Department of Labor & Industries, having considered the Order Dismissing Appeal (Order) served on July 26, 2019, and the Order Denying Petition to Vacate dated September 4, 2019, having considered the petition for review filed by Appellant with the Director's Office and briefing submitted to the Director's Office, and having reviewed the record, issues this Director's Order.

The Director makes the following Findings of Fact, Conclusions of Law, and Final Decision and Order.

**I. FINDINGS OF FACT**

1. On July 11, 2019, the Office of Administrative Hearings sent notice of a status conference scheduled for July 18, 2019, at 10:00 am. The notice advised the Appellant, "If you

fail to call in, the administrative law judge may hold you in default and dismiss your appeal. RCW 34.05.440(2).” (emphasis omitted).

2. On July 28, 2019, the Appellant failed to appear.

3. The Office of Administrative Hearings issued and served the Order dismissing the appeal on July 26, 2019.

4. After the Appellant petitioned to vacate the Order, the Office of Administrative Hearings declined to vacate the order by written decision dated September 4, 2019.

5. On September 16, 2019, the Director received a timely filed petition for administrative review from Appellant.

6. The notice of status conference was mailed to 2020 Maltby Road, Bothell WA 98021. Adiaman Velnambi says he did not receive the notice, attributing it to the omission of his unit number, “Unit # 6,” from the address. The Office of Administrative Hearings has mailed eight notices to 2020 Maltby Road, and none of the notices have been returned as undeliverable. And Velnambi has taken action based on some of these notices, demonstrating that he received them.

7. It is not credible that the Appellant did not receive the July 11, 2019 notice.

## **II. CONCLUSIONS OF LAW**

1. Based on the Appellant’s timely filed petition for review, there is authority to review and decide this matter under RCW 49.48.084 and RCW 34.05.


2. RCW 34.05.440(2) provides: “If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding . . . , the presiding officer may serve upon all parties a default or other dispositive order, which shall include a statement of the grounds for the order.”

3. Because Appellant has alleged no circumstances that would constitute good cause to miss the conference, the appeal is dismissed under RCW 34.05.440(2).

### III. DECISION AND ORDER

Consistent with the above Findings of Fact and Conclusions of Law, the Citation and Notice of Assessment is AFFIRMED.

DATED at Tumwater, Washington this 12 day of December 2019

  
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JOEL SACKS  
Director

## **SERVICE**

This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

## **APPEAL RIGHTS**

**Reconsideration.** Any party may file a petition for reconsideration. RCW 34.05.470. Any petition for reconsideration must be filed within 10 days of service of this Order and must state the specific grounds on which relief is requested. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order **or** (b) there is specific material error of fact or law. A petition for reconsideration, together with any argument in support thereof, should be filed by emailing it to [directorappeal@lni.wa.gov](mailto:directorappeal@lni.wa.gov) or by mailing or delivering it directly to Joel Sacks, Director of the Department of Labor and Industries, P. O. Box 44001 Olympia, Washington 98504-4001, with a copy to all other parties of record and their representatives. Filing means actual receipt of the document at the Director's Office. RCW 34.05.010(6).

**NOTE: A petition for reconsideration is not required before seeking judicial review.** If a petition for reconsideration is filed, however, the 30-day period will begin to run upon the resolution of that petition. A timely filed petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed, the Director does not (a) dispose of the petition **or** (b) serve the parties with a written notice specifying the date by which it will act on the petition. RCW 34.05.470(3).

**Judicial Review.** Any petition for judicial review must be filed with the appropriate court and served within 30 days after service of this Order. RCW 34.05.542. RCW 49.48.084(5) provides: "Orders that are not appealed within the time period specified in this section and Chapter 34.05 RCW are final and binding, and not subject to further appeal." Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement.

### DECLARATION OF MAILING

I, Lisa Deck, hereby declare under penalty of perjury under the laws of the State of Washington, that the DIRECTOR'S ORDER was mailed on the 12 day of December 2019, to the following via regular mail, postage prepaid:

Adiaman Velnambi  
Thalis LLC dba Anjappar Chettinad Indian  
Restaurant  
2020 Maltby Road, Unit #6  
Bothell, WA 98021

Heather Leibowitz, AAG  
Attorney General's Office  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104

DATED this 12 day of December, 2019, at Tumwater, Washington.

  
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Lisa Deck