



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

PO Box 44000 • Olympia Washington 98504-4400

September 24, 2024

Via E-mail and U.S. Mail

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RE: Jorge Castro
OAH Docket No. 04-2024-LI-02117
Director No. 2024-011-WPA

Dear Parties:

Please find the enclosed Director's Order, which is served on the date of mailing.

Sincerely,

Joel Sacks
Director

cc: Judge Lisa Dublin
Haley Bobbitt, Tacoma OAH
Anastasia Sandstrom, AAG



**DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES
STATE OF WASHINGTON**

In re:

JORGE CASTRO,

Appellant,

Determination of Compliance No.
DOC-030-24

OAH Docket No. 04-2024-LI-02117

No. 2024-011-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 appeal filed by Jorge Castro, (Appellant), 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. The Office of Administrative Hearings (OAH) issued and served the Order Dismissing Appeal on May 23, 2024.
2. The Appellant was advised that he had 30 days to appeal to the Director.
3. The appeal was postmarked June 25, 2024, which was 33 days after the OAH order was served.

NO. 2024-011-WPA

DIRECTOR'S ORDER

RCW 49.48.084(4); RCW 34.05

4. On July 5, 2024, 43 days after the OAH order was served on the Appellant, the Director's office received the appeal.

5. The Appellant was offered the opportunity to explain the late appeal, but he did not respond.

II. CONCLUSIONS OF LAW

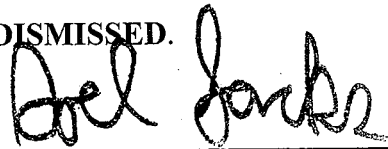
1. There is authority to decide this timeliness of the appeal under RCW 49.48.084 and RCW 34.05.

2. If an OAH order is not appealed within 30-days as required by RCW 49.48.084(3) the appeal may not be considered.

3. Because the Appellant appealed late, the appeal is dismissed.

III. DECISION AND ORDER

Consistent with the above Findings of Fact and Conclusion of Law, and the Order Dismissing Appeal is **AFFIRMED** and the appeal is **DISMISSED**.



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 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 34 day of September 2024, to the following via regular, postage prepaid:

Kendra Sheedy, AAG
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STCJ Investment LLC dba Toppenish Inn & Suites
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DATED this 34 day of September, 2024, at Tumwater, Washington.



LISA DECK