

Schroeder, Donald

AGGRAVATION (RCW 51.32.160)

"Deemed granted" application to reopen claim

The Department may not deny an application to reopen a claim and then promptly enter an abeyance order, on its own motion pursuant to RCW 51.52.060, thereby attempting to give itself up to 180 additional days to act on the application. To allow such action would render the time limitations of RCW 51.32.160 completely illusory. Where the Department has entered such an abeyance order but has not made a final decision to deny the application within the time allowed by RCW 51.32.160, the application to reopen the claim is deemed granted. ...*In re John Aitchison*, BIIA Dec., 90 4447 (1990); *In re Donald Schroeder*, BIIA Dec., 90 3177 (1990); *In re Virginia Watts*, BIIA Dec., 90 3816 (1990) [*Editor's Note*: Rule reversed by *Tollycraft Yachts v. McCoy*, 122 Wn.2d 426 (1993).]

Scroll down for order.

