

NEW SECTION

**WAC 192-800-005 What is the standard the department will use to determine fraud?** The department will determine if fraud has been committed under WAC 192-500-120 based on a showing of clear, cogent, and convincing evidence.

NEW SECTION

**WAC 192-800-010 How will the disqualification periods and penalties be assessed for an employee who is determined to have committed fraud?** (1) The department will assess disqualification periods and penalties for each fraud determination individually under RCW 50A.04.045(3).

(2) All disqualifications and penalties in RCW 50A.04.045(3) are in addition to the required repayment of any benefits paid as a result of fraud.

(3) The department will assess the fraud penalties established under RCW 50A.04.045(3) based on the percentage of benefits paid for those weeks in which the fraud occurred or that were paid as a result of fraud. The penalty will not apply to other weeks that may be included in the same eligibility decision.

(4) The penalty amount, if not a multiple of one dollar, is rounded up to the next higher dollar.

NEW SECTION

**WAC 192-800-015 When will the department change an occurrence of fraud?** (1) Determinations of fraud are appealable. If an employee has been assessed with multiple determinations of fraud and any determination changes due to a redetermination or an appeal, the department will send a new fraud determination showing the corrected disqualification period and penalty under Title 50A RCW.

**Example:** The department issues a determination that an employee has committed a third occurrence of fraud. Through appeal, the second occurrence is overturned. The department will send a redetermination of the third occurrence indicating that it is now the second occurrence of fraud and the appropriate penalties will apply.

(2) Although the revised determination in subsection (1) of this section does not restart the appeal period included in the original decision, employees may appeal a change in the penalty amount or length of disqualification.