

December 20, 2016

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

DONALD W. WRIGHT,

Appellant,

v.

WASHINGTON STATE DEPARTMENT  
OF LABOR AND INDUSTRIES,

Respondent.

No. 48829-9-II

(consolidated with)  
No. 48882-5-II

UNPUBLISHED OPINION

WORSWICK, P.J. — Donald Wright appeals the trial court’s February 8, 2016 order denying notice of appeal, which denied, as untimely filed, his notice of appeal from the Department of Labor and Industries’ November 23, 2015 decision and order. The Department concedes that there were significant delays between when the Department issued its decision and when Wright received it, and between when Wright mailed his notice of appeal and when the trial court received it, both caused by the prison mail system. It therefore concedes that Wright’s notice of appeal was timely filed, and asks that the appeal be remanded to the trial court.

We accept the concession. The trial court’s order denying notice of appeal is reversed and Wright’s appeal is remanded to the trial court for further proceedings.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

  
Worswick, P.J.

We concur:

  
Lee, J.

  
Sutton, J.