

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON  
Jan 10, 2014, 4:33 pm  
BY RONALD R. CARPENTER  
CLERK

NO. 88772-1

RECEIVED BY E-MAIL

---

**SUPREME COURT OF THE STATE OF WASHINGTON**

---

ROBERT CAMPBELL,

Petitioner,

v.

STATE OF WASHINGTON  
DEPARTMENT OF EMPLOYMENT SECURITY,

Respondent.

---

**EMPLOYMENT SECURITY DEPARTMENT'S ANSWER TO THE  
WASHINGTON EMPLOYMENT LAWYERS' ASSOCIATION'S  
AMICUS CURIAE BRIEF**

---

ROBERT W. FERGUSON  
*Attorney General*

ERIKA G. UHL, WSBA 30581  
*Senior Counsel*

LEAH E. HARRIS, WSBA 40815  
*Assistant Attorney General*

REBECCA GLASGOW, WSBA 32886  
*Deputy Solicitor General*

Office ID 91029  
1125 Washington Street SE  
Olympia, WA 98504-0110  
(360) 753-6200

FILED AS  
ATTACHMENT TO EMAIL

 ORIGINAL

## TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	ARGUMENT .....	3
	A. The Employment Security Act Must Be Interpreted Consistent with Its Plain Language and Purpose to Preserve Benefits for Those Who Are Involuntarily Unemployed.....	3
	B. Looking at the Totality of Circumstances as Presented in the Record, Campbell Failed to Meet His Burden of Proving That It Was Necessary for Him to Quit Seven Months Before His Move.....	6
	1. The plain language of the “quit to follow” provision requires the timing of the claimant’s move to be considered: the claimant must show he or she remained employed as long as reasonable prior to the move .....	8
	2. Even if Campbell’s ethical and professional considerations were relevant to the reasonableness analysis, Campbell still failed to prove that it was reasonable to quit seven months in advance of his departure .....	12
III.	CONCLUSION .....	17

## TABLE OF AUTHORITIES

### Cases

<i>Allison v. Hous. Auth. of City of Seattle</i> , 118 Wn.2d 79, 821 P.2d 34 (1991).....	4
<i>Caughey v. Emp't Sec. Dep't</i> , 81 Wn.2d 597, 503 P.2d 460 (1972).....	3
<i>Davis v. Emp't Sec. Dep't</i> , 108 Wn.2d 272, 737 P.2d 1262 (1987).....	3
<i>Leschner v. Dep't of Labor &amp; Indus.</i> , 27 Wn.2d 911, 185 P.2d 113 (1947).....	3
<i>Port of Seattle v. Pollution Control Hearings Bd.</i> , 151 Wn.2d 568, 90 P.3d 659 (2004).....	10
<i>Townsend v. Emp't Sec. Dep't</i> , 54 Wn.2d 532, 341 P.2d 877 (1959).....	6
<i>Vashon Island Comm. for Self-Government v. Wash. State Boundary Review Bd. for King County</i> , 127 Wn.2d 759, 903 P.2d 953 (1995).....	10

### Statutes

RCW 34.05.510 .....	5
RCW 34.05.558 .....	5
RCW 50.01.010 .....	1, 3, 4
RCW 50.20.050 (2005).....	5
RCW 50.20.050(2)(b) .....	4
RCW 50.20.050(2)(b)(iii).....	1, 4, 7
RCW 50.20.050(2)(b)(iii)(B).....	8

RCW 50.20.050, <i>amended by</i> Laws of 2003, 2d Sp. Sess., ch. 4.....	5
RCW 50.32.120 .....	5

**Other Authorities**

<i>In re Bottcher</i> , Emp't Sec. Comm'r Dec.2d 963 (2011).....	10, 11
WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1332, 1804, 1919 (2002) .....	8

**Regulations**

WAC 192-100-010.....	9
----------------------	---

## I. INTRODUCTION

The Employment Security Department does not question the societal importance of unemployment benefits overall, the specific importance of the “quit to follow” provision, or even whether it was sensible for Robert Campbell to quit his job to travel with his family to Finland. Rather, the issues before this Court are whether Campbell proved it was reasonable to quit his job seven months before moving to Finland, and whether his quit was to relocate for his spouse’s employment.

While the Employment Security Act (Act) is to be liberally construed, such construction must not supplant the plain language and purpose of the Act. The purpose of unemployment benefits is to ease the burden of those who are involuntarily unemployed through no fault of their own. RCW 50.01.010. Under the plain language of the Act, quitting to follow one’s spouse has been recognized by the Legislature as good cause to quit, but only if it is to follow a spouse for employment outside the existing labor market and only if the person stayed employed as long as was reasonable prior to quitting. RCW 50.20.050(2)(b)(iii). Campbell failed to prove that he met either requirement.

The “quit to follow” provision necessarily involves an analysis of the time necessary to prepare for a move because it plainly requires the claimant to have remained employed as long as reasonable. While in

some cases, other factors may be relevant to this question, here WELA does not raise any argument that would warrant benefits when Campbell quit so far in advance of his scheduled move without reasonable justification.

Nothing in the record suggests that it is so detrimental to students to have two instructors during the school year that a teacher's mid-year departure amounts to a violation of some ethical standard. Nor has the Department ever asserted that Campbell should have kept his departure secret, in violation of his personal ethics. Rather, a reasonable person under the circumstance would have continued to teach after giving his employer ample notice of his future departure, an arguably more ethical alternative. While the school district explained that it would have been difficult to grant Campbell a leave of absence for such a limited time, Campbell certainly did not establish that the district would have fired him or somehow forced him to quit early, had he given advance notice of his permanent departure. The Commissioner and Court of Appeals properly held that Campbell failed to prove that he stayed employed as long as reasonable under the circumstances. The Commissioner's decision should be affirmed.

## II. ARGUMENT

### A. **The Employment Security Act Must Be Interpreted Consistent with Its Plain Language and Purpose to Preserve Benefits for Those Who Are Involuntarily Unemployed**

In order to assure fair distribution of limited funds, the Legislature has expressly restricted the circumstances when unemployment benefits can be awarded to instances where the claimant has become *involuntarily* unemployed through no fault of their own. Although the Act is to be “liberally construed for the purpose of reducing involuntary unemployment,” RCW 50.01.010, the claimant must meet the plain language requirements of the statute. *Leschner v. Dep’t of Labor & Indus.*, 27 Wn.2d 911, 926, 185 P.2d 113 (1947). WELA’s analysis seemingly ignores that the worker’s unemployment must be “involuntary.” RCW 50.01.010.

This Court has recognized that “the Unemployment Compensation Fund is clearly a finite resource.” *Caughey v. Emp’t Sec. Dep’t*, 81 Wn.2d 597, 599, 503 P.2d 460 (1972). Thus, it is important that unemployment benefits are reserved for those individuals who meet the requirements of the statute. *Davis v. Emp’t Sec. Dep’t*, 108 Wn.2d 272, 280, 737 P.2d 1262 (1987) (“Where, as here, legislation involves the grant of limited public funds, reviewing courts should give deference to allocation decisions by state officials.”).

Further, as recognized in authority cited by WELA, in resolving statutory construction questions, this Court adopts the interpretation that “best advances the legislative purpose.” *Allison v. Hous. Auth. of City of Seattle*, 118 Wn.2d 79, 86, 821 P.2d 34 (1991) (quoting *In re R.*, 97 Wn.2d 182, 187, 641 P.2d 704 (1982)). Under the Act, those who voluntarily quit their jobs are disqualified from receiving unemployment benefits, unless they quit for one of eleven limited circumstances. RCW 50.20.050(2)(b). As one of these eleven circumstances, the “quit to follow” provision itself is limited to only those who remain employed as long as reasonable prior to the move. RCW 50.20.050(2)(b)(iii). The limitations advance the Legislature’s intent to reserve these limited funds to help those who are *involuntarily* unemployed through no fault of their own. RCW 50.01.010.

Interpreting the Act consistent with its plain language will not result in unfair denials of benefits, nor would it unfairly disadvantage women, as WELA seems to suggest. The provision is applied to men and women equally.

WELA cites to studies and publications that are not a part of the administrative record<sup>1</sup> as support for its argument that the statute should be “liberally construed” in favor of the unemployed worker. Ultimately, the cited publications and studies are not relevant to the narrow issue before this Court: whether Campbell proved that he remained employed as long as reasonable prior to his move. In fact, the 2006 study WELA references analyzed an earlier version of the voluntary quit statute, which contained a prior, more restrictive “quit to follow” provision.<sup>2</sup> The prior version of the provision applied only where the spouse’s relocation was due to a mandatory military transfer and subject to comparable laws in the state of relocation. WELA Amicus Br. at 10–11; Former RCW 50.20.050 (2005).<sup>3</sup> These secondary sources have no bearing on whether Campbell’s quit met the requirements of the “quit to follow” provision.

---

<sup>1</sup> Campbell’s challenge to the agency action denying him benefits is governed by the Administrative Procedure Act and judicial review is limited to the record created below. RCW 34.05.510; RCW 34.05.558; RCW 50.32.120. Given that the secondary sources cited by WELA are not part of the administrative record, they should not be considered by this Court. But even if the Court were inclined to consider them, they are not relevant to the specific issues before this Court in this case.

<sup>2</sup> The Department reviewed unemployment claims from July 1, 2004 through June 30, 2005 to prepare the December 2006 study. See <http://www.esd.wa.gov/newsandinformation/legresources/uistudies/vol-quits-2006.pdf#zoom=100> (analyzing former RCW 50.20.050, amended by Laws of 2003, 2d Sp. Sess., ch. 4.)

<sup>3</sup> Specifically, the law held that for claims with an effective date on or after January 4, 2004, a person was not disqualified from benefits if: “(iii) he or she: (A) Left work to relocate for the spouse’s employment that, due to a mandatory military transfer: (I) Is outside the existing labor market area; and (II) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (B) remained employed as long as was reasonable prior to the move.” Former RCW 50.20.050 (2005).

In sum, liberal construction of the statute does not overcome the plain language and purpose of the Act to reserve unemployment funds for those who are involuntarily unemployed. Indeed, if liberal construction could be applied so broadly that it ignored the Legislature's plain limitations, then the finite resource of unemployment funds could be exhausted in ways the Legislature never intended. Neither liberal construction, nor references to studies and publications outside the record, justifies ignoring the plain language and purpose of the Act to reserve unemployment funds for those who are involuntarily unemployed.

**B. Looking at the Totality of Circumstances as Presented in the Record, Campbell Failed to Meet His Burden of Proving That It Was Necessary for Him to Quit Seven Months Before His Move**

It was Campbell's burden to prove that he remained employed as long as reasonable prior to his move. *Townsend v. Emp't Sec. Dep't*, 54 Wn.2d 532, 534, 341 P.2d 877 (1959) ("The burden is upon the claimant to establish his rights to the benefits under the act, and this burden of proof never shifts during the course of the trial.")(citing *Jacobs v. Office of Unemployment Compensation and Placement*, 27 Wn.2d 641, 179 P.2d 707 (1947)). Looking at all the factors presented, including Campbell's stated (but not supported) ethical considerations, Campbell failed to show it was reasonable for him to quit seven months prior to his move. WELA

fails to point to anything in the record demonstrating that Campbell's quit met the plain language of the provision. Nor does WELA show that Campbell was involuntarily unemployed seven months before his departure, through no fault of his own.

WELA spends a good portion of its brief discussing the value of the "quit to follow" provision. WELA Amicus Br. at 8-12. The Department does not disagree. By enacting this "quit to follow" provision, the Legislature has recognized the value of keeping families together. However, if our Legislature intended for the act of quitting to follow a spouse alone to be sufficient to receive unemployment benefits, it would have simply said so. Instead, the Legislature stated that unemployment benefits are only appropriate in a quit to follow situation when the claimant relocates for the employment of a spouse outside the existing labor market and only if the person remained employed as long as was reasonable prior to the move. RCW 50.20.050(2)(b)(iii). These requirements balance assisting the unemployed worker with ensuring that benefits are preserved until the point they are actually needed. In this case, Campbell failed to meet either requirement and was properly denied unemployment benefits.

1. **The plain language of the “quit to follow” provision requires the timing of the claimant’s move to be considered: the claimant must show he or she remained employed as long as reasonable prior to the move**

WELA suggests that “to remain employed ‘as long as was reasonable’ must be interpreted in light of the totality of the unemployed worker’s circumstances.” WELA Amicus Br. at 13. They are correct. However, they erroneously assert that the Court of Appeals’ and Department’s examination of the timing of the move is not supported by the law. WELA Amicus Br. at 15. Both the plain language of the “quit to follow” provision and the totality of Campbell’s circumstances require consideration of the timing of the quit in relation to the timing of the move.<sup>4</sup>

The “quit to follow” provision required Campbell to “remain[] employed as long as was reasonable prior to the move.” RCW 50.20.050(2)(b)(iii)(B). The very terms of the provision require that the timing of the quit in relation to the timing of the move be analyzed. *See* WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY 1332, 1804, 1919 (2002) (defining “remain” as “to stay in the same place or with the same person or group;” “long” as “extending over a considerable time;” and “prior” as “earlier in time or order”). The decisions of the Commissioner

---

<sup>4</sup> Campbell’s attorney at his administrative hearing also recognized this when he stated in closing, “One of the factors is that the Claimant works, you know, up until a reasonable time with the move.” Administrative Record (AR) 23.

and the Court of Appeals appropriately focus on the timing of the move, consistent with the plain requirements of the provision.

WELA next asserts that reasonableness must be examined in terms of what a “reasonably prudent person” would do in the same circumstance. WELA Amicus Br. at 13–15. It references the Department’s definition of a “reasonably prudent person” in WAC 192-100-010: “an individual who uses good judgment or common sense in handling practical matters. The actions of a person exercising common sense in a similar situation are the guide in determining whether an individual's actions were reasonable.” The Department agrees. When applying this standard reasonableness would still need to be examined in the context of the provision’s specific requirements: whether Campbell remained employed as long as reasonable—or as long as common sense and good judgment would say is reasonably possible—under the circumstances.

The Department does not argue that the “quit to follow” provision requires exhaustion of all alternative remedies, as WELA suggests. WELA Amicus Br. at 15–16. Rather, when looking at what it means to remain employed as long as is reasonable prior to any move, the overall statutory scheme reveals legislative intent that people remain employed as long as reasonably possible prior to quitting. When determining legislative intent, courts are “required to look at the entire statute, rather

than the single phrase at issue.” *Vashon Island Comm. for Self-Government v. Wash. State. Boundary Review Bd. for King County*, 127 Wn.2d 759, 771, 903 P.2d 953 (1995). Interpreting “reasonable” to require Campbell to have stayed employed as long as possible is consistent with the overall statutory scheme and purpose of the Act to preserve benefits for when people actually need them.

Finally, WELA attempts to discount the weight that should be given to the agency’s interpretation of its statutes. This Court has recognized that the Department’s interpretation of its statute should be accorded great weight, especially if there is any argued ambiguity in the statute, and as long as the interpretation does not conflict with the statute. *Port of Seattle v. Pollution Control Hearings Bd.*, 151 Wn.2d 568, 593, 90 P.3d 659 (2004). Here, WELA seems to argue the quit to follow provision is ambiguous; if that is correct, then the Department’s interpretation should be afforded deference as it is consistent with the statute.

In *In re Bottcher*, Emp’t Sec. Comm’r Dec.2d 963 (2011)<sup>5</sup>, the Commissioner held it was reasonable for Bottcher to quit two months before moving to follow his spouse. The Commissioner recognized that “the plain language of the statute does not impose a requirement that claimant’s relocation be contemporaneous with his spouse’s new

---

<sup>5</sup> A copy of this precedential Commissioner’s decision is attached to the Supplemental Brief of Respondent.

employment outside the existing labor market area.” *Id.* However, the Commissioner reviewed all the evidence that Bottcher presented to support why it was necessary to quit two months prior to his departure. On the facts presented, the Commissioner recognized: “Claimant did not quit his job for the ‘personal reason’ of deciding to make some home repairs; rather, he quit his job because making the home repairs . . . was a prerequisite to his primary purpose of moving to live with his spouse at her new place of employment.” *Id.* The Commissioner’s consideration of whether Bottcher remained employed as long as was reasonable, is consistent with the plain language and purpose of the Act because the focus of the inquiry was on what factors required Bottcher to quit when he did. Bottcher demonstrated it was necessary for him to quit two months prior to his departure.

In sum, when determining whether a claimant remained employed as long as reasonably possible before quitting to follow his or her spouse, the Court must necessarily consider the timing of the quit in relation to the timing of the move. The reasonableness inquiry may include an evaluation of whether the claimant exercised common sense and good judgment, recalling that the unemployment system as a whole must reserve benefits for those who are involuntarily unemployed. Finally, if the provision is ambiguous, the Court should defer to the Commissioner’s

prior decisions requiring claimants to show a true need to quit early. Applying these principles, Campbell did not remain employed as long as reasonable prior to his trip.

**2. Even if Campbell's ethical and professional considerations were relevant to the reasonableness analysis, Campbell still failed to prove that it was reasonable to quit seven months in advance of his departure**

Relying only on a claimant's subjective assertion of what is ethically or professionally required would improperly remove objective reasonableness from the statutory requirements. Campbell has not shown that it would have been unethical or unprofessional for him to remain employed while giving his employer ample notice of a departure shortly before his trip. The record shows only that the school district was not able to grant a leave of absence because it was concerned about finding a replacement for a limited, four-month time period. However, nothing in the record suggests Campbell would have had to keep his departure secret from the district, or that the district would have fired him or forced him to quit earlier had he given advance notice of his resignation, rather than quitting at the end of the 2009-10 school year. Moreover, the record does not support WELA's assertion that a teacher's departure in the middle of a school year rises to the level of unethical behavior.

WELA argues that determining whether Campbell stayed employed as long as was reasonable should include consideration of his ethical and professional beliefs. WELA Amicus Br. at 15–16. However, relying solely on one’s subjective beliefs would undermine the Department’s ability to apply a uniform standard and thus could create uncertainty for benefit claimants. In contrast, the plain language of the “quit to follow” provision requires an evaluation of objective reasonableness. While recognized ethical and professional standards may certainly inform the determination of what is objectively reasonable, subjective statements, without more, should not.

Here, Campbell has not shown that recognized ethical or professional standards required his departure seven months before his trip to Finland. At his administrative hearing, when asked why he did not continue working for the school district after his leave of absence was denied, Campbell responded, “Well, I wanted to be ethical and professional.” AR 15. In his petition for review to the Commissioner, Campbell also pointed to being ethical, professional, and not leaving his students during the semester. AR 61. However, aside from his subjective considerations, Campbell presented no evidence to support his assertions. In fact, Campbell noted several times that if the second semester leave of

absence had been granted, he would have remained employed until his departure, leaving his students mid-year. AR 14, 23, 61.

The school district's Director of Human Resources noted, in a document discussing Campbell's resignation, that the district was unable to grant him a leave of absence "due to the difficult nature of filling his job *on a leave-replacement*" and "[t]he time of year and his endorsed area of teaching would have created a major hardship on the district in trying to fill his role *during such a limited absence*." AR 49 (emphasis added). These statements emphasize the difficulty in replacing Campbell for a short time, allowing him to return to the same position after a few months' leave. Campbell also testified that he was told his leave of absence was denied to "protect the instructional program" and that the district was "pessimistic that a qualified teacher would be able to be found to fill [his] position." AR 16. Yet, nothing in the record shows that the district would have prevented Campbell from teaching until his departure or that the district would have fired him or somehow forced him to leave earlier, had he alerted the district to his intent to resign effective just before his trip. There is no evidence Campbell even engaged the employer in any discussion after the denial of his leave of absence about the timing of his resignation. Without any such evidence in the record, Campbell failed to prove it was necessary for him to quit seven months before his trip.

WELA further asserts that Campbell should not be required to violate his personal ethics by keeping his departure secret in order to remain eligible to receive unemployment benefits. WELA Amicus Br. at 16. However, the Department has never argued that Campbell should have kept his departure secret. Rather, Campbell would have fulfilled his professional and ethical obligations by giving advance notice of his departure and staying employed until his trip or until the school district asked him to leave. This would have provided his employer time to find a replacement while ensuring the students were receiving academic instruction. If WELA is suggesting that the school district might have fired Campbell had he given such a long period of advance notice, necessitating secrecy, the record does not support such speculation. More importantly, had the school district fired Campbell in those circumstances, he would have been entitled to benefits, but it would have been because of clearly involuntary unemployment. WELA cannot rely on an assumption, not supported in the record, that giving advance notice would have led to him being fired, nor can he show secrecy about his departure was somehow necessary to remain in his job for longer than he did.

It is also questionable whether it could be characterized as “unethical” for a teacher to leave in the middle of the school year, after giving seven months’ notice. While it may be preferable for high school

students to have the same Spanish teacher for the entire school year, nothing in the record suggests that having two Spanish teachers would be damaging to students.<sup>6</sup> Indeed, circumstances often arise that require students to have more than one teacher in a single school year. For example, teachers may have to take medical or family leave, either with or without advance notice. Schools even intentionally have student teachers teach classes for only a portion of a school year. Campbell simply offered no evidence that teaching until shortly before his family left for Finland would harm students to such a degree that doing so would be unethical.

To the extent WELA suggests that quitting seven months early would be more convenient for the school district, the record does not show that is the case. It is at least arguable that it would have been more professional for Campbell to give his employer seven months' notice of his departure, while continuing to work until a replacement was found, instead of the approximately two months he actually gave the district to find a replacement. By quitting when he did, he left his employer a relatively short period of time to find a replacement and ultimately usurped the employer's choice of what was best for the district moving forward.

---

<sup>6</sup> Campbell indicated he had been both a Spanish and a history teacher, AR 33, 40, though he testified that he was primarily or solely a Spanish teacher in his last year of employment. AR 11, 60.

Indeed, Campbell testified that had a leave of absence been granted he would have continued working until his departure, resulting in his students receiving instruction from more than one teacher in a single school year. Whether on a leave of absence or not, he still would have required a replacement instructor after providing at least seven months' notice to his employer. The Department and the Court of Appeals applied the correct standard when they found that Campbell failed to prove that his circumstances required him to quit seven months before his departure to Finland.

### III. CONCLUSION

Unemployment benefits, including benefits for those who quit to follow a spouse, are societally and individually important. But to preserve the limited resource for those who are involuntarily unemployed, the provision should not be expanded beyond the Legislature's plain eligibility requirements. While objective professional and ethical standards could inform the determination of reasonableness, here the record does not support WELA's argument that quitting seven months before Campbell's departure was objectively professional, ethical, or reasonable. The denial of a leave of absence did not mean that the school district required Campbell to quit prior to the start of the school year or that it would not have allowed Campbell to continue teaching until it

found a replacement. In fact, there are many circumstances that require students to be instructed by more than one teacher in a school year. Certainly, this does not rise to an ethical violation for a teacher, nor has WELA shown Campbell would have had to keep his departure secret from the school district. The record does not support that Campbell was required to quit seven months prior to his wife's departure for Finland. The Commissioner's decision denying benefits should be affirmed.

RESPECTFULLY SUBMITTED this 10th day of January, 2014.

ROBERT W. FERGUSON  
*Attorney General*

*Erin L. McDaniel*  
*WSBA # 19204, for*

ERIKA G. UHL, WSBA 30581  
*Senior Counsel*

LEAH E. HARRIS, WSBA 40815  
*Assistant Attorney General*

REBECCA GLASGOW, WSBA 32886  
*Deputy Solicitor General*

Office ID 91029  
1125 Washington Street SE  
Olympia, WA 98504-0110  
(360) 753-6200

**PROOF OF SERVICE**

I, Dianne S. Erwin, certify that I caused a copy of this document, **Employment Security Department's Answer to the Washington Employment Lawyers' Association's Amicus Curiae Brief** to be served on all parties or counsel of record by US Mail Postage Prepaid via Facilities and Office Services and as follows to:

Attorney for Petitioner

Marcus Lampson  
Unemployment Law Project  
1904 Third Avenue, Suite 604  
Seattle, WA 98101  
email: marc@ulproject.org

Attorneys for Amicus Curiae

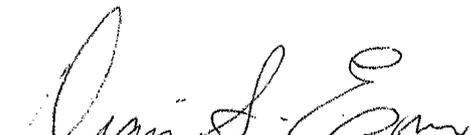
Therese Norton  
Cline & Associates  
2003 Western Avenue, Suite 550  
Seattle, WA 98121

Joe Shaeffer  
MacDonald Hoague & Bayless  
705 2nd Ave., Suite 1500  
Seattle, WA 98104

**Electronically filed:** supreme@courts.wa.gov

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 10th day of January, 2014, at Olympia, Washington.

  
DIANNE S. ERWIN, Legal Assistant

## OFFICE RECEPTIONIST, CLERK

---

**To:** Erwin, Dianne (ATG)  
**Subject:** RE: Answer to Amicus Brief; No. 88772-1

Rec'd 1/10/14

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** Erwin, Dianne (ATG) [mailto:DianneE1@ATG.WA.GOV]  
**Sent:** Friday, January 10, 2014 4:25 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** Uhl, Erika (ATG); marc@ulproject.org  
**Subject:** Answer to Amicus Brief; No. 88772-1

Please see attached for filing, Washington State Employment Securities Answer to Amicus.

*Dianne S. Erwin  
Legal Assistant to  
Erika Uhl, Senior Counsel  
AGO/LAL-Oly  
360-753-2261*

~ Please print only when necessary ~