

No. 67863-9

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

JULIE RAYSBROOK,

Appellant,

v.

EMPLOYMENT SECURITY DEPARTMENT,
STATE OF WASHINGTON,

Respondent.

2012 JUN -5 PM 11:40
COURT OF APPEALS DIV I
STATE OF WASHINGTON

REPLY BRIEF OF APPELLANT

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A. INTRODUCTION

Ms. Raysbrook was granted Commissioner Approved Training (CAT) and Training Benefits (TB) for the Shoreline Community College nursing program for the period of September 20, 2009, through graduation May 30, 2012. Ms. Raysbrook was not admitted into the nursing program and chose another educational pursuit, the Human Services Program (HSP) at Western Washington University (WWU) to enable her to obtain her Certified Counselor License through the State of Washington. CP 125.

She notified ESD of this change in April 2011. (It is worth nothing that the number of credits required to graduate from the nursing program at Everett Community College exceeds the number of credits required to graduate from the Human Services Program at Western Washington University, although the length of the programs are the same, and therefore the expected graduation dates are identical.) CP 116

Ms. Raysbrook notified ESD she intended to enter the social services/certified counseling field. This field requires a certification. In order to obtain such a certification from the Washington State -

Department of Health, she is required to have a baccalaureate degree. CP 35,38, 70. APPENDIX B.

The Employment Security Act's Training Benefits program allows a claimant to receive unemployment benefits if they are in a "training program", as defined by RCW 50.22.155. (APPENDIX C). The statute states that a "Training program" does **not** include any course of education primarily intended to meet the requirements of a baccalaureate or higher degree, **unless the training meets specific requirements for certification, licensing, or for specific skills necessary for the occupation.**" RCW 50.22.155(7)(d)(ii)(C).

Ms. Raysbrook's pursuit of a bachelor's degree in Human Services "meets specific requirements for certification" as a certified counselor. Therefore, her Human Services program at Western Washington University falls within the statutory definition of a "training program".

Further, regulations anticipate this exception. "Academic" training can be approved for training benefits under ESD regulations:

(4) Can academic training be approved? An academic training course may be approved if the conditions of subsections (1) and (2) of this

section are met, and ***the training meets specific requirements for certification,*** licensing, or specific skills necessary for the occupation.

WAC 192-200-020(4) (Initial bold in original; italics added for emphasis). APPENDIX D.

Ms. Raysbrook's Individualized Plan for Employment (IPE) (APPENDIX A) through the Division of Vocational Rehabilitation (DVR) indicates the employment goal of a Certified Counselor, with the educational plan of training through the Human Services Program (HSP) at Western Washington University. This "outside" interpretation and definition of Ms. Raysbrook's educational program to substantiates her claim that her Human Services program most definitely fits within the confines of the RCW interpretations at issue.

B. ARGUMENT

1. **MS. RAYSBROOK INTENDS TO BECOME A CERTIFIED COUNSELOR, CERTIFIED BY THE WASHINGTON STATE DEPARTMENT OF HEALTH. THE WASHINGTON STATE DEPARTMENT OF HEALTH STATES THAT A PREREQUISITE TO CERTIFICATION AS A COUNSELOR IS HAVING “A BACHELOR’S DEGREE IN A COUNSELING RELATED FIELD”.**

- a. The statute states that a “Training program” does **not** include any course of education primarily intended to meet the requirements of a baccalaureate or higher degree, **unless the training meets specific requirements for certification, licensing, or for specific skills necessary for the occupation.”** RCW 50.22.155(7)(d)(ii)(C).

Ms. Raysbrook’s program meets the exception listed in RCW 50.22.155(7)(d)(ii)(C). The historical purpose of “training” under RCW 50.20.043 enables unemployed workers to develop specific vocational skills that will assist them with becoming employable in a particular occupation. This is the basis of the Human Services Program at WWU, Ms. Raysbrook’s particular occupation being a Certified Counselor. This certification through the State requires a Bachelor’s degree.

Respondents Brief, at 9 states “...she did not show the Commissioner that her proposed course of academic education

was set up to provide specific skill training of a strictly vocational nature. Nor did she establish that her proposed education course was targeted to provide specific skills for a particular certification or occupation”.

Ms. Raysbrook fully set forth the facts in the opening brief. However, the following clarification should be made as the State has misrepresented several key facts.

In all correspondence with Employment Security Department and Commissioner from the date of initial change of program request, Ms. Raysbrook outlined the specific courses of the Human Services Program. Ms. Raysbrook also stated the exact occupation/certification that this educational program would provide upon completion, which is a **Certified Counselor (certification)** through the Washington State Department of Health. As such, for the State to allege that Ms. Raysbrook has not shown the Commissioner that her proposed course of academic education was set up to provide specific skill training of a strictly vocational nature, or that she has not shown her proposed education course was targeted to provide specific skills for a particular certification or occupation, is erroneous at best.

2. MS RAYSBROOK'S TRAINING PROGRAM MEETS THE CRITERIA SET FOURTH IN WAC 192-270-050 WHICH ADDRESSES THE CRITERIA FOR APPROVING TRAINING PLANS.

- a. "Academic training may be approved if it meets the criteria of subsection (1) and it meets specific requirements for certification, licensing, or specific skills necessary for the occupation". WAC 192-270-050

The training plan approval criterion is different for military veterans and disabled individuals. Ms. Raysbrook is a military veteran, as well as a disabled individual. Ms. Raysbrook's training program meets the criteria of subsection 1, and it also meets the specific requirements for certification, licensing, or specific skills necessary for the occupation.

The State contends that the training Ms. Raysbrook is pursuing is not vocational in nature because it is not a program that is short in duration. Respondents Brief, at 11. However, in 1993 the regulations were amended to remove the "less than six month" requirements applicable to academic training in WAC 192-12-182. CP 131.

The State also contends that Ms. Raysbrook's proposed plan is "scholastic instruction", not intended to meet a

specific certification requirement. Respondents Brief, at 12. From initial appeal to opening brief, Ms. Raysbrook has maintained that this proposed training plan is intended to meet a specific certification requirement. CP 35, 38, 70, 146. Furthermore, WAC 246-810-024 governs counseling related degrees that met the requirements for certified counselor. There are very specific courses that are required by the State in order to become a Certified Counselor. At least one fourth of the required courses listed must have been included in one or more of the subjects listed in subsection (4) of that section. This requirement of such specific classes, meets the definition of Vocational Training utilized by the State. APPENDIX E.

The State concedes that majoring in Human Services may be one degree that qualifies a person to become a certified counselor, but that it also allows Ms. Raysbrook to be learning subjects other than those of a strictly vocational nature. Unfortunately, the RCW and WAC's do not detail what might be considered outside of the confines of "vocational nature" for a particular training program. As such, rules of statutory construction apply to administrative rules and regulations. *Cannon v. Dept. of Licensing*, 147 Wn. 2d 41, 56 (2002); *City of Kent v. Beigh*, 145

Wn. 2d 33, 45, 32 P. 3d 258 (2001) [quoting *State v. Baker*, 92, Wn. 2d 474, 478, 598 P. 2d 395 (1979)]. In the absence of a specific definition, terms are given their plain and ordinary meaning. *Fraternal Order of Eagles v. Grand Aerie of Fraternal Order of Eagles*, 148 Wn2d 224, 239, 59 P.3d 655 (2003). The plain and ordinary meaning of “vocational” is: “of, relating to, or undergoing training in a skill or trade to be pursued as a career”. (Merriam Webster’s Collegiate Dictionary, 10th Ed. (1994)). According to the plain and ordinary meaning of the term vocational, Ms. Raysbrook’s program meets the term utilized throughout the RCW’s and WAC’s.

The State argues that Ms. *Raysbrook* “...has not shown that her academic pursuits at WWU will only provide her with ‘specific skills’ necessary for a particular occupation, as required by the rules pertaining to CAT benefit eligibility. WAC 192-200-020(4)”.

The State has misrepresented the law by utilizing the limiting word “only” (“...will **ONLY** provide her with ‘specific skills’...”), which is more restrictive than the law quoted. Respondents Brief, at 12.

The State is essentially arguing that if Ms. Raysbrook learns anything other than **ONLY** the specific skills deemed to be part of her vocational training, then that program is no longer acceptable as a vocational training program. That is not how the law is written

and the State has taken it upon themselves deviously re-word the law for their benefit.

b. The Commissioner's Decision misinterpreted and misapplied the law regarding Commissioner Approved Training and Training Benefits.

The Commissioners Decision misreads the statute by stating that Ms. Raysbrook's "proposed program is simply a major study within the broader academic scheme which is intended to confer a baccalaureate degree ***and it does not meet specific requirements for certification or licensing in a vocational field, nor does it provide specific skills for an occupation.***" (CP 154)

This portion of the Commissioner's Decision is incorrect on two grounds: first, the proposed program DOES met specific requirements for certification, as demonstrated above, and second, the State's (.155) does not confine the certification requirements to "a vocational field." And even if it did there is no authority for excluding work as a "certified counselor" from being work in a "vocational field". The State argues that Ms. Raysbrook is not in training of the type contemplated by RCW 50.20.043 because her academic pursuits are not specifically targeted towards any

particular vocation, or high demand occupation. Respondent's Brief, at 13, 15. However both of these statements are erroneous as Ms. Raysbrook has repeatedly proven time and time again that her academic pursuit IS specifically targeted towards the Counseling vocation (certified counselor) and that the Certified Counselor vocation is in high demand. CP 35, 38, 70, 89-90, 124, 146

The Commissioner's Decision recognizes that "Training Benefits" are not confined solely to vocational training but may include academic training, as the regulations above plainly state.

To the extent that .155 is ambiguous (*Burton v. Lehman*, 153 Wn.2d 416, 423, 103, P.3d 1230, 2005) ambiguity should be construed in favor of the claimant under liberal interpretation. RCW 50.01.010 indicates

This title shall be liberally construed for the purpose of reducing involuntary unemployment and the suffering caused thereby to the minimum.

Therefore, the Commissioner's Decision misinterpreted and misapplied the law and did not utilize liberal construction of the statute regarding CAT and TB and the decision should be reversed under the Administrative Procedure Act.

3. ATTORNEY FEES AND COSTS IN THIS CASE ARE MANDATED BY STATUTE WHEN A COMMISSIONER'S ORDER IS REVERSED ON JUDICIAL REVIEW.

A claimant who succeeds in convincing a court to reverse a Commissioner's Order is allowed reasonable attorney fees and costs as mandated by statute:

It shall be unlawful for any attorney engaged in any appeal to the courts on behalf of an individual involving the individual's application for initial determination, or claim for waiting period credit, or claim for benefits to charge or receive any fee therein in excess of **a reasonable fee to be fixed by the superior court in respect to the services performed in connection with the appeal taken thereto and to be fixed by the supreme court or the court of appeals in the event of appellate review, and if the decision of the commissioner shall be reversed** or modified, such fee and the costs shall be payable out of the unemployment compensation administration fund. **In the allowance of fees the court shall give consideration to the provisions of this title in respect to fees pertaining to proceedings involving an individual's application for initial determination, claim for waiting period credit, or claim for benefits.** In other respects the practice in civil cases shall apply.

RCW 50.32.160 (emphasis added). The fees and costs contemplated in this statute are stated in mandatory terms: "such fee and the costs *shall* be payable out of the unemployment compensation administration fund." *Id.*

Therefore, pursuant to this statute and RAP 18.1, appellant requests that costs be awarded upon reversal of the Commissioner's Order in this case.

C. CONCLUSION

For the reasons stated above, Ms. Raysbrook respectfully requests that this court reverse the Commissioner's Decision in this case because her training program meets specific requirements for certification. Her Human Services program at Western Washington University falls within the statutory definition of a "training program".

Petitioner also requests that reasonable costs be awarded in an amount to be determined upon filing of a cost bill subsequent to a decision in this matter and under authority of RCW 50.32.160 that mandates attorney fees and costs be awarded upon reversal or modification of a Commissioner's Order.

Dated this 1st day of June, 2012

Respectfully submitted,



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APPENDIX A
Division of Vocational Rehabilitation
INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

Name: Raysbrook, Julie A

SSN: XXX-XX-0388

Staff Assigned: Potter, Eric L

Plan Signature Date: 05/02/2012

Plan End Date: 06/30/2014

Employment Goal: certified counselor

Plan Amendment Information

Amendment Date: 05/02/2012

Describe the nature of changes (employment goal, services, service provider):

Amend Current Plan

Reason for changes:

Apparently there was an error when the original amendment was done. The goal is to complete a bachelor's degree in human services and then get the certified counselor credential. The purpose of this amendment is to update the goal to reflect the plan.

STEPS NEEDED TO ACHIEVE THE EMPLOYMENT GOAL

Step 1: Develop the skills, acquire the credentials needed to work in the field.

Measurements that will show the customer is making progress on this step:

Ms. Raysbrook will attend 95% of all classes, complete all homework assignments on time and pass all classes with a 2.0 grade or better.

How are DVR Services in this step going to address barriers:

Ms. Raysbrook's work history is as a Hospital Corpsman in the Navy. The job has no equivalent outside the Navy. The closest is NA-C, which Ms. Raysbrook does not have the credentials for and it is a job that will cause her back pain. She is otherwise qualified for entry level jobs, which she is not advised to do due to her back condition. Secondary to that is the need to make enough to support her family. By providing training and credentials Ms. Raysbrook will be able to secure a job that will not endanger her physical well being and allow her to make enough to support her family.

Services:

Training - Post Secondary

Provider: 76 credits to complete a bachelor's degree. Tuition, \$12,936; fees, \$2,580; books and supplies, \$2,040; daycare, \$675 per week, \$58,500.

Start Date: 10/11/2011

End Date: 06/30/2013

Estimated Costs:

DVR Costs: \$24400.00

Customer Costs: \$0.00

Comp Benefits: \$51656.00

Provided by: Financial Aid (Pell, state need grants, etc.)

TOTAL COST: \$76056.00

Comments:

APPENDIX B

Washington State Credentialing Requirements

Certified Counselor (Chapter 18.19 RCW, 246-810 WAC)

Type of Credential: Certification **DOH Contact:** Customer Service Center - 360-236-4700

Credentialing Requirements	Verification Documents Obtained
<p>An applicant for certified counselor must:</p> <ul style="list-style-type: none"> • Have a bachelor's degree in a counseling related field • Pass an examination in risk assessment, ethics, appropriate screening using the global assessment of functioning scale, client referral, and Washington State law • Have a written supervisory agreement 	<p>Official transcript with degree and date posted, received directly from applicant's program. Transcripts not in English must have an official translation.</p> <p>To create an exam account: http://www.webassessor.com/dohcounselingexam and create an exam account. You will receive notification by email when your application has been approved. If an account has not been created you will be unable to register for an exam. Study references for the exam are available online at: http://www.doh.wa.gov/hsqa/Counseling/TestFAQs.htm.</p>
<p>State licensure verification</p>	<p>Applicant lists all states where credentials are or were held, including where applicant has applied but a credential was not granted. A verification form must be completed and submitted by the jurisdiction where the applicant is or was credentialed. Applicant sends form to jurisdiction for completion. The jurisdiction sends completed form directly to the department.</p>
<p>Statement about:</p> <ul style="list-style-type: none"> • physical and mental health status • lack of impairment due to chemical dependency/substance abuse • history of loss of license, certification or registration • felony convictions • loss or limitations of privileges • disciplinary actions • professional liability claims history 	<p>Applicant must answer personal data questions. An appropriate explanation and required documentation must be sent with positive answers. If there is a positive answer to the professional liability claims history question, the applicant must send an explanation of the nature of the case, data and summary of care given, copies of the original complaint, and the settlement or final disposition. If pending, applicant must indicate status.</p>

Training benefits — Claims effective on or after April 5, 2009 — Eligibility — Definitions — Role of local workforce development councils — Rules. (Effective until July 1, 2012.)

(1) This section applies to claims with an effective date on or after April 5, 2009.

(2) Subject to availability of funds, training benefits are available for an individual who is eligible for or has exhausted entitlement to unemployment compensation benefits when:

(a) The individual is a dislocated worker as defined in RCW 50.04.075 and, after assessment of the individual's labor market, occupation, or skills, is determined to need job-related training to find suitable employment in the individual's labor market. The assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets and high-demand occupations identified in local labor market areas by the local workforce development councils in cooperation with the employment security department and its labor market information division; or

(b) For claims with an effective date on or after September 7, 2009, the individual:

(i) Earned an average hourly wage in the individual's base year that is less than one hundred thirty percent of the state minimum wage and, after assessment, it is determined that the individual's earning potential will be enhanced through vocational training. The individual's average hourly wage is calculated by dividing the total wages paid by the total hours worked in the individual's base year;

(ii) Served in the United States military or the Washington national guard during the twelve-month period prior to the application date, was honorably discharged from military service or the Washington national guard and, after assessment, is determined to need job-related training to find suitable employment in the individual's labor market;

(iii) Is currently serving in the Washington national guard and, after assessment, is determined to need job-related training to find suitable employment in the individual's labor market; or

(iv) Is disabled due to an injury or illness and, after assessment, is determined to be unable to return to his or her previous occupation and to need job-related training to find suitable employment in the individual's labor market.

(3)(a) The individual must develop an individual training program that is submitted to the commissioner for approval within ninety days after the individual is notified by the employment security department of the requirements of this section;

(b) The individual must enter the approved training program by one hundred twenty days after the date of the notification, unless the employment security department determines that the training is not available during the one hundred twenty days, in which case the individual enters training as soon as it is available;

(c) The department may waive the deadlines established under this subsection for reasons deemed by the commissioner to be good cause.

(4) The individual must be enrolled in training approved under this section on a full-time basis as determined by the educational institution, except that less than full-time training may be approved when the individual has a physical, mental, or emotional disability that precludes enrollment on a full-time basis.

(5) The individual must make satisfactory progress in the training as defined by the commissioner and certified by the educational institution.

(6) An individual is not eligible for training benefits under this section if he or she:

(a) Is a standby claimant who expects recall to his or her regular employer; or

(b) Has a definite recall date that is within six months of the date he or she is laid off.

(7) The following definitions apply throughout this section unless the context clearly requires otherwise.

(a) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410, including equivalent educational institutions in other states.

(b) "High-demand occupation" means an occupation with a substantial number of current or projected employment opportunities.

(c) "Training benefits" means additional benefits paid under this section.

(d) "Training program" means:

(i) An education program determined to be necessary as a prerequisite to vocational training after counsel at the educational institution in which the individual enrolls under his or her approved training program; or

(ii) A vocational training program at an educational institution that:

(A) Is targeted to training for a high-demand occupation;

(B) Is likely to enhance the individual's marketable skills and earning power; and

(C) Meets the criteria for performance developed by the workforce training and education coordinating board for the purpose of determining those training programs eligible for funding under Title I of P.L. 105-220.

"Training program" does not include any course of education primarily intended to meet the requirements of a baccalaureate or higher degree, unless the training meets specific requirements for certification, licensing, or for specific skills necessary for the occupation.

(8) Benefits shall be paid as follows:

(a) The total training benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year.

(b) The weekly benefit amount shall be the same as the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits.

(c) Training benefits shall be paid before any extended benefits but not before any similar federally funded program. Effective July 3, 2011, training benefits shall be paid after any federally funded program.

(d) Training benefits are not payable for weeks more than two years beyond the end of the benefit year of the regular claim. However, training benefits are not payable for weeks more than three years beyond the end of the benefit year of the regular claim when individuals are eligible for benefits in accordance with RCW 50.22.010 (2)(c) or (3)(c).

(9) The requirement under RCW 50.22.010(10) relating to exhausting regular benefits does not apply to an individual otherwise eligible for training benefits under this section when the individual's benefit year ends before his or her training benefits are exhausted and the individual is eligible for a new benefit year. These individuals will have the option of remaining on the original claim or filing a new claim.

(10) Individuals who receive training benefits under RCW 50.22.150 or this section are not eligible for training benefits under this section for five years from the last receipt of training benefits.

(11) An individual eligible to receive a trade readjustment allowance under chapter 2, Title II of the trade act of 1974, as amended, shall not be eligible to receive benefits under this section for each week the individual receives such trade readjustment allowance.

(12) An individual eligible to receive emergency unemployment compensation under any federal law shall not be eligible to receive benefits under this section for each week the individual receives such compensation.

(13) All base year employers are interested parties to the approval of training and the granting of training benefits.

(14) Each local workforce development council, in cooperation with the employment security department and its labor market information division, must identify occupations and skill sets that are declining and high-demand occupations and skill sets. Each local workforce development council shall update this information annually or more frequently if needed.

(15) The commissioner shall adopt rules as necessary to implement this section.

[2011 c 4 § 6; 2011 c 3 § 2; 2009 c 3 § 4.]

Notes:

Reviser's note: This section was amended by 2011 c 3 § 2 and by 2011 c 4 § 6, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Contingent expiration date -- 2011 c 4 §§ 3 and 6: See note following RCW 50.29.021.

Effective date -- 2011 c 4 §§ 1-6 and 16-21: See note following RCW 50.20.1202.

Conflict with federal requirements -- 2011 c 4: See note following RCW 50.20.1202.

Conflict with federal requirements -- Effective date -- 2011 c 3: See notes following RCW 50.22.010.

Short title -- Effective date -- Conflict with federal requirements -- 2009 c 3: See notes following RCW 50.20.120.

Appendix C
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APPENDIX

Agency changes affecting this section

WAC 192-200-020

Commissioner approval of training — RCW 50.20.043.

(1) **How do I apply for commissioner approved training?** If you wish to attend school or training while you receive unemployment benefits, and the training will interfere with your availability for full-time work, the training must be approved by the department. Contact the department and ask for an application for commissioner approved training. Your completed application must be returned to the unemployment claims telecenter. We will send you a decision, in writing, denying or approving your training application.

(2) **What factors will the department consider when reviewing my application?** The department will consider the following factors:

(a) **Your plan for completion of the training;**

(b) **The nature of the training facility and the quality of the training;**

(c) **Whether the training relates to an occupation or skill for which there are, or are expected to be, reasonable employment opportunities in the labor markets in which you intend to seek work;**

(d) **Whether an oversupply of qualified workers exists;**

(e) **Whether you have the qualifications and aptitudes to successfully complete such training; and**

(f) **Whether your employment prospects in occupations in which you have training or experience do not exist or have substantially diminished in the labor market to the extent that the department determines you will probably be unemployed for a lengthy period. These diminished prospects could be the result of business or economic conditions in the area, or due to personal reasons such as your health, physical fitness, criminal background, or other circumstances of a similar nature.**

(3) **What about training that is required by my job?** The commissioner will approve training that is required within an occupation if:

(a) The training is a condition of your continued employment;

(b) The scheduling of the training is determined by your employer or a work related entity, and not by you (the claimant); and

(c) The training meets the requirements of subsections (2)(a), (b), (c), (d), and (e) of this section.

(4) **Can academic training be approved?** An academic training course may be approved if the conditions of subsections (1) and (2) of this section are met, and the training meets specific requirements for certification, licensing, or specific skills necessary for the occupation.

(5) **Can these requirements be waived?** In the case of individuals with physical or sensory handicaps, or in other unusual individual circumstances, a written decision of the commissioner may waive any of the requirements of this section on an individual basis.

(6) This section does not apply to training in a self-employment assistance program under RCW 50.20.250.

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010, 50.20.250(7) and 50.20.012. 07-23-129, § 192-200-020, filed 11/21/07, effective 1/1/08. Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-200-020, filed 4/5/99, effective 5/6/99.]

(1) A counseling-related bachelor's degree must be from a recognized educational program or institution. The degree must have required the equivalent of at least four years of full-time study and at least one third of the courses must have included one or more of subjects listed in subsection (4) of this section.

(2) A counseling-related associate degree must be from a recognized educational program or institution. The degree must have the equivalent of at least two years of full-time study and a supervised internship. At least one fourth of the required courses must have included one or more of the subjects listed in subsection (4) of this section.

(3) An advanced or graduate degree from a recognized educational program or institution in any of the subject areas listed in subsection (4) of this section will meet the education requirements for certified counselor or certified adviser.

(4) Counseling-related subjects:

(a) Addiction counseling;

(b) Adolescent and child counseling;

(c) Anger management counseling;

(d) Applied behavioral science;

(e) Behavior management or behavior modification;

(f) Biofeedback;

(g) Child development;

(h) Clinical social work;

(i) Community mental health;

(j) Counseling persons with developmental or intellectual disabilities;

(k) Counseling ethics;

(l) Developmental psychology;

(m) Domestic violence counseling;

(n) Elder counseling;

(o) Grief counseling;

(p) Human development;

(q) Human services counseling;

(r) Learning disabilities counseling;

(s) Marriage and family counseling;

(t) Mental health counseling;

(u) Ministerial or pastoral counseling;

(v) Multicultural counseling;

(w) Organizational psychology;

(x) Personality theory;

(y) Physiological psychology;

(z) Psychiatry and psychiatric nursing;

(aa) Psychological measurement and research;

(bb) Psychology;

(cc) Psychopathology and abnormal psychology;

(dd) Sexual disorder counseling;

(ee) Social work;

(ff) Special education;

(gg) Stress disorder counseling;

(hh) Substance and chemical abuse counseling; and

(ii) Transpersonal psychology.

(5) The secretary may accept other equivalent counseling-related education or training programs in the subjects listed in subsection (4) of this section.

APPENDIX E

(2/2)

2012 JUL -5 AM 11:40

**COURT OF APPEALS DIVISION I FOR
THE STATE OF WASHINGTON**

Julie Raysbrook
Petitioner
vs.
State of Washington Department of Employment
Security
Respondent

No.11-2-07287-6

No. 67863-9

**Return of Service
(RTS)**

1. My name is Phillip Bing. I am a peace officer 18 years of age or older and not the petitioner or the respondent.

2. I served Atb Anthony Pasmetti [name of person served] on 6/4/12 [date] at ~ 1030 [time] at this address:

Certified Mail : 800 5th AVE # 2000 Seattle, WA 98104

with the following documents:
The Reply Brief of Appellant

3. By Mailing CERTIFIED MAIL (attach proof of mailing)

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

Dated: 6/4/12 at Mukilteo, Washington.

Fees: Service 10
Mileage

Phillip Bing
Signature of Server

Phillip Bing
Print or Type Name

Total 10

=====
MUKILTEO PO
MUKILTEO, Washington
982759998
5476210300-0096
06/04/2012 (800)275-8777 05:03:27 PM
=====

===== Sales Receipt =====

Product Sale Unit Final
Description Qty Price Price
SEATTLE WA 98104 \$1.90
Zone-1 First-Class
Large Env
5.20 oz.
Expected Delivery: Wed 06/06/12
Return Rcpt (Green \$2.35
Card)
Certified \$2.95
Label #: 70110470000279362595

Issue PVI: \$7.20

SEATTLE WA 98101 \$1.90
Zone-1 First-Class
Large Env
5.30 oz.

Issue PVI: \$1.90

Total: \$9.10

Paid by:
VISA \$9.10
Account #: XXXXXXXXXXXX4154
Approval #: 097858
Transaction #: 479
23903511525

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