

FILED
SUPREME COURT
STATE OF WASHINGTON
4/28/2025 8:00 AM
BY SARAH R. PENDLETON
CLERK

No.: 1040563

**SUPREME COURT
OF THE STATE OF WASHINGTON**

TAMARA LOVE,
Claimant,
vs.
STATE OF WASHINGTON,
EMPLOYMENT SECURITY DEPARTMENT,
Defendants.

MOTION FOR JURY TRIAL

Tamara Love
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**SUPREME COURT
OF THE STATE OF WASHINGTON**

TAMARA LOVE,
Appellant,

VS.

STATE OF WASHINGTON,
EMPLOYMENT
SECURITY DEPARTMENT,

Respondants.

MOTION FOR JURY TRIAL

1. IDENTITY OF MOVING PARTY

Tamara Love, Appellant asks for the relief designated in Part 2.

2. STATEMENT OF RELIEF SOUGHT

A jury trial for civil damages brought forth in Superior Court, and at the Court of Appeals for violations of the law under statute and constitution.

Administrative Damages as per RCW 19.86.090. All judgments reversing benefits reversed and vacated, and the original benefits award reinstated.

3. FACTS RELEVANT TO MOTION

The Commissioner's Order dismissed the appeal for the claimant's failure to appear (Page 41 of 59, Administrative Record.) The Claimant asked for reconsideration on appeal and advised of illness. (Page 46 of 59, Administrative Record). Commissioner's Order Denying Petition for Reconsideration states that there was a reasonable opportunity to present oral argument under WAC 192-04-190. The request did not result in the requested appeal. (Page 49 of 59, Administrative Record).

The Commissioner did not present any supporting facts or evidence substantiating the denial of the appeal, upholding Order 27932. Or make a showing that the evidence brought forth under Docket 27932 supported a showing of the preponderance of the evidence under WAC 192-100-065 for Misconduct. Or stated in any way as to how the oral argument supported the employer's appeal for misconduct. There were no facts or analyses enumerated in the Order.

The denial of the request for an appeal has created financial hardship by means of a debt for overpayment which had a negative impact on the distribution of past, present and future unemployment benefits, and has threatened my financial solvency, and work and training possibilities.

4. GROUNDS FOR RELIEF AND ARGUMENT

Not granting an appeal is a violation of the right to procedural and substantive Due Process under the Fourteenth Amendment (Amendment XIV).

For which I should receive Administrative Damages as per RCW 19.86.090 because the act hindered my ability to be employable.

Not granting the appeal was a denial of civil rights under RCW 9.91.010, a violation of Freedom from discrimination RCW 49.60.030 and Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race,color, gender, religion, national origin). After being informed of being ill, there should have been, at the very least a hearing rescheduled, that there was not was a violation of the American's with Disabilities Act of 1990.

An appeal for Misconduct was inappropriate for the employer who had a duty to protect patient information under the Health Insurance Portability and Accountability Act of 1996 (HIPPA) and RCW 70.02.030 Patient authorization of disclosure—Health care information. Not doing my job as asked would have been in violation of WAC 192-150-135 Illegal activities at the worksite. That the customer was upset could have been alleviated by the remedial mitigation of basic customer service skills; and is not a violation of the code of conduct.

The Employment Security department is responsible for civil damages due to the negligence of the OAH in publishing an order that was libel. The OAH owed a duty of care in making sure that the evidence established misconduct.

Under RCW 5.40.050 and RCW 50.04.293. As a result, The agency has incurred liability under RCW 10.110.050. And as such the facts of which should

be assessed by a jury. The resulting Overpayment was in fact a misappropriation and falsification of an account by a public officer under RCW 42.20.070.

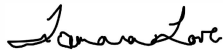
It is therefore requested that the court should grant a jury trial and the above sought-after relief at no further cost to the plaintiff.

[If the petition is prepared using word processing software, include the following statement: This document contains 6 5 3 words, excluding the parts of the document exempted from the word count by RAP 18.17.]

Date: 4/28/2025

Respectfully submitted,

Signature:

A handwritten signature in black ink, appearing to read "Tamara Love", written in a cursive style.

Tamara Love
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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the document to which this Certificate of Service is attached to be served in the manner as indicated below:

CALEB GIEGER,
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<input type="checkbox"/> Via Legal Messenger
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<input checked="" type="checkbox"/> Via Electronic Mail
<input type="checkbox"/> Via Court ECF

Declared under penalty of perjury under the laws of the State of Washington. DATED at Tacoma, Washington this 28th day of April, 2025.

by/ 
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TAMARA LOVE - FILING PRO SE

April 28, 2025 - 6:57 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 104,056-3
Appellate Court Case Title: Tamara Love v. State of WA, Employment Security Dept.
Superior Court Case Number: 23-2-09501-0

The following documents have been uploaded:

- 1040563_Motion_20250428065317SC242182_8910.pdf
This File Contains:
Motion 1 - Waive Filing Fee
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Motion 2 - Other
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A copy of the uploaded files will be sent to:

- Caleb.Gieger@ATG.WA.GOV
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