

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
6/5/2020 4:29 PM  
BY SUSAN L. CARLSON  
CLERK

No.

SUPREME COURT OF THE STATE OF WASHINGTON

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UNEMPLOYMENT LAW PROJECT, et al.

Petitioners,

v.

SUZAN LEVINE, COMMISSIONER FOR THE WASHINGTON STATE EMPLOYMENT  
SECURITY DEPARTMENT,

Respondent.

---

DECLARATION OF MARIANNE WHITE

---

THE SHERIDAN LAW FIRM, P.S.

John P. Sheridan, WSBA #21473  
Mark W. Rose, WSBA #41916  
Andra Kranzler, WSBA # 44098  
Justin O. Abbasi, WSBA # 53582  
Hoge Building, Suite 1200  
705 Second Avenue  
Seattle, WA 98104  
(206) 381-5949

Attorneys for Petitioners

I, Marianne White, make the following statement based on personal knowledge.

1. I am a resident of Burien, Washington.

2. I manage the tap room, Beer Star in White Center, WA. I have worked full-time at Beer Star since 2018. My work week is as follows: Monday 1-10pm, Tuesday 1-10PM, Wednesday 1-11pm, Thursday 11am-11pm.

3. I was laid off on March 16, 2020.

4. I was laid off because of Covid-19 and Governor Inslee's stay at home order. My employer has told me I can return to work when the business reopens.

5. The ESD website states in part, "Many people who usually can't get unemployment benefits now can. This means money to help thousands more Washingtonians during the COVID-19 crisis, including: (1) Part-time workers and others who have lost work due to COVID-19; and (2) Parents who have lost childcare due to COVID-19. **Exhibit 1** is a true and correct copy of the information that available on the Employment Security Website at <https://esd.wa.gov/unemployment/cares-act>.

6. I have school age children and my current schedule allows me to be available for my children and work a full-time job. I plan to return to my job as soon as I am invited to return.

7. I applied for unemployment benefits on March 17, 2020 and I filled out Standby paperwork.

8. My employer filled out the standby paperwork he received and filled it back.

9. On March 19, I received a determination that denied my request for standby from March 15 to April 18. **Exhibit 2** is attached hereto is a true and correct copy of the 3/19/2020 Standby Denial Letter.

10. I changed my dates for standby on my e-service account from 8 weeks to 4 weeks.

11. On March 20, I was denied again for standby from March 15 to May 9. The denial was because I didn't expect to return to work in 4 weeks. **Exhibit 3** is attached hereto as a true and correct copy of the 3/20/2020 Standby Denial Letter.

12. My employer completed the standby paperwork.

13. On April 21, I was denied again from standby April 19 to July 18. **Exhibit 4** attached hereto is a true and correct copy of the 4/21/2020 Standby Denial Letter.

14. On April 22, I got a determination letter that said, I may receive pandemic emergency employment compensation. The benefits payable from March 29, to December 26, 2020. **Exhibit 5** attached hereto is a true and correct copy of the 4/22/2020 PEUC Determination Letter.

15. I started received payments on April 22, 2020 and April 23.

16. On April 23, my standby was approved. **Exhibit 6** attached hereto is a true and correct copy of the 4/23/2020 Approval Determination Letter. But, I also got denied for standby. **Exhibit 7** attached hereto is a true and correct copy of the 4/23/2020 Standby Denial Letter.

17. I continued to file my weekly claims with no issues.

18. On May 25, I got an email from ESD asking to provide additional identification form. ESD asked for my identification and social security number. I submitted online with e-services.

19. My e-services account states that the identity documentation I sent was received.

20. I have three pending issues that say, “adjudication” in process, but it won’t tell me what is being adjudicated with three different case numbers.

21. I did not get paid for the week of May 24 and May 31 and my week summary status says pending.

22. I tried to file my claim on Sunday, May 31 and I had to complete a new form that was like a brand-new application and asked me for information about begin able and available for work. It says, “you are in the management field, you work 8am-6pm, Monday-Friday. But my shift is from 1p-11p due to child care needs. It would not allow me to

alter the days and times during the week. I clicked that I am not available for 8am-6pm.

23. I am planning on returning to work in my same position and same schedule.

24. I have school age children that are not able to attend school and this also impacts my availability.

25. On June 2, I was denied for standby. **Exhibit 8** attached hereto is a true and correct copy of the 6/2/2020 Standby Denial Letter.

26. I filed an appeal on June 3, 2020.

27. Every time I log in it says, I have an overpayment balance of \$9,323.

28. On June 3, 2020, I received another letter stating “We must reduce or deny your unemployment benefits starting March 15 2020 until the reason for our decision no longer exists. You, your employer or someone else told us you were caring for another person. We decided you are not able to work and available for work all hours and days usual for your type of work.” **Exhibit 9** attached hereto is a true and correct copy of the 6/3/2020 Standby Denial Letter.

29. On June 4, 2020, I received another letter approving standby. **Exhibit 10** attached hereto is a true and correct copy of the 6/5/2020 Standby Approval Letter.

30. This has harmed my family because we have 3 children who need to continue to be enriched, fed and clothed, all of which we are struggling with. Our credit cards are nearly maxed out at this point because we have been using them to absorb the cost of daily living (Groceries, toiletries, etc.) and bills. We also have a home we recently purchased and we are now at risk of not being able to pay our mortgage for the first time.

31. Throughout this time, I am eligible for benefits. I have no money to pay for my housing, food, phone bills and other necessities. This has been an incredible hardship for me and my family. I have done everything I can to truthfully apply for benefits that I believe I am eligible for.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

DATED this \_\_\_\_<sup>th</sup> day of June, 2020 in \_\_\_\_\_,  
Washington.

/s/ \_\_\_\_\_  
Marianne White

another person. We decided you are not able to work and available for work all hours and days usual for your type of work." **Exhibit 9** attached hereto is a true and correct copy of the 6/3/2020 Standby Denial Letter.

27. On June 5, 2020, I received another letter approving standby. **Exhibit 10** attached hereto is a true and correct copy of the 6/5/2020 Standby Approval Letter.

28. This has harmed my family because we have 3 children who need to continue to be enriched, fed and clothed, all of which we are struggling with. Our credit cards are nearly maxed out at this point because we have been using them to absorb the cost of daily living (Groceries, toiletries, etc.) and bills. We also have a home we recently purchased and we are now at risk of not being able to pay our mortgage for the first time.

29. Throughout this time, I am eligible for benefits. I have no money to pay for my housing, food, phone bills and other necessities. This has been an incredible hardship for me and my family. I have done everything I can to truthfully apply for benefits that I believe I am eligible for.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

DATED this 4<sup>th</sup> day of June, 2020 in  
BURIEN, Washington.

/s/   
Marianne White

### **CERTIFICATE OF SERVICE**

I, Tony Dondero, certify under penalty of perjury under the laws of the State of Washington and the United States that, on June xx, 2020, I served the document to which this Certificate is attached to the party listed below in the manner shown.

**ROBERT FERGUSON**

Attorney General

Assistant Attorney General

Phone:

Email:

By United States Mail

By Legal Messenger

By Facsimile

By Overnight Fed Ex Delivery

By Electronic Mail

**CERTIFICATE OF SERVICE**

I, Tony Dondero, certify under penalty of perjury under the laws of the State of Washington and the United States that, on June 5, 2020, I served the document to which this Certificate is attached to the party listed below in the manner shown.

ROBERT FERGUSON  
Attorney General

Jeffrey Todd Even  
Office of The Attorney General  
P.O. Box 40100  
1125 Washington Street SE  
Olympia, WA 98504-0100

Phone: 360-586-0728

Email: [Jeffrey.even@atg.wa.gov](mailto:Jeffrey.even@atg.wa.gov)  
serviceATG@atg.wa.gov

<input type="checkbox"/>	By United States Mail
<input type="checkbox"/>	By Legal Messenger
<input type="checkbox"/>	By Facsimile
<input type="checkbox"/>	By Overnight Fed Ex Delivery
<input checked="" type="checkbox"/>	By Electronic Mail

Dated this 5th day of June 2020.

s/ Tony Dondero  
Tony Dondero,  
Legal Assistant



# EXHIBIT 1

ALERTS (3) ▼

Search



**Español**  
(<https://esd.wa.gov/esp>)

[HOME \(/\)](#) [UNEMPLOYMENT \(/UNEMPLOYMENT\)](#) [PAID LEAVE \(/PAID-FAMILY-MEDICAL-LEAVE\)](#)  
[JOBS & TRAINING \(/JOBS-AND-TRAINING\)](#) [UNEMPLOYMENT TAXES \(/EMPLOYER-TAXES\)](#)  
[EMPLOYER RESOURCES \(/ABOUT-EMPLOYEES\)](#) [LABOR MARKET INFO \(/LABORMARKETINFO\)](#) [NEWSROOM \(/NEWSROOM\)](#)

QUICK LINKS

ALERT Affected by COVID-19?

**Workers & Businesses:** Learn more (<https://esd.wa.gov/newsroom/covid-19>) about important changes and subscribe to updates (<https://public.govdelivery.com/accounts/WAESD/signup/15249>) about our response to COVID-19.

# Pandemic Unemployment Assistance: Apply now

(en español (<https://esd.wa.gov/espanol/cares-act>))

Many people who usually can't get unemployment benefits now can.

This means money to help thousands more Washingtonians during the COVID-19 crisis, including:

- Part-time workers and others who have lost work due to COVID-19
- Workers with less than 680 hours in their base year
- Parents who have lost childcare due to COVID-19
- People at high risk of contracting COVID-19
- People sick or caring for someone with COVID-19
- People who are unemployed due to COVID-19 and have run out of regular unemployment benefits
- People who are unemployed due to COVID-19 and are not eligible for regular unemployment benefits

The new federal CARES Act makes this possible.

The amount of financial help varies. But if your application is approved, you will be paid at least the minimum weekly benefit amount, and if that amount is at least \$1 per week, you will also receive an additional \$600 weekly for weeks ending March 29 to July 25.

**Unsure if you qualify?** Start with our eligibility checker.

Check eligibility (<https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/Unemployment>)

## How to apply

1. Download this checklist  
([https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/Unemployment/COVID-19\\_Applications\\_CheckList.pdf](https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/Unemployment/COVID-19_Applications_CheckList.pdf)) for information you need to apply for regular unemployment benefits.
2. Download this guide  
([https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/Unemployment/Guide\\_for\\_expanded\\_benefits\\_COVID.pdf](https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/Unemployment/Guide_for_expanded_benefits_COVID.pdf)) then apply for regular unemployment benefits, even though you may

COVID-19  
QUESTIONS

How can  
we help?

- not qualify for them. Federal law requires this.
3. Apply for expanded unemployment benefits (called Pandemic Unemployment Assistance).
4. File weekly claims to get paid.

# Step 1: Apply for regular unemployment

To approve you for expanded benefits, we must first find out if you are eligible for regular unemployment benefits. Please fill out the online application the best you can.

If you are approved for regular unemployment benefits, you will receive normal unemployment payments and you will have the option to extend your benefits if needed. If that happens to you, skip Step 2 and go directly to Step 3.

Key information:

- Create an account (<https://secure.esd.wa.gov/home/>) or check to see (<https://secure.esd.wa.gov/home/home/SawCheckUsername>) if you already have one. Watch the tutorial on this page (<https://esd.wa.gov/unemployment/technical-support>) to avoid common issues that could delay your benefits.
- Move to Step 2 if your application for regular benefits is denied. For some this will be immediate. For others it may take a few weeks.
- ESD staff may contact you for more information. Please check your email and answer your phone. If we call, it may be from an unlisted number.

A decision may take time

You can move on to step 2 as soon as you are denied regular unemployment. For some this will be immediate and for others it may take a few weeks. We are required by law to verify you are not eligilbe for regular unemployment and sometimes this requires we reach out to you for additional information.

Remember to submit your weekly claim while you are waiting for approval.

# Step 2: Apply for Pandemic Unemployment Assistance

(pandemic unemployment assistance)

If you are denied regular benefits, an alert will show up in your eServices account. You then can apply for Pandemic Unemployment Assistance (PUA).

Key information:

- If your application is approved, you will get an amount based on your normal income, and if that amount is at least \$1 per week, you will also automatically receive an additional \$600 weekly from April 4 to July 25.
- You may be asked to upload documents such as your federal tax return as proof of income. If asked, you have 21 days to provide the proof.



# Step 3: Submit your weekly claim

After applying, start submitting weekly claims right away—even before you’re approved—to get paid faster. The link to submit a weekly claim will be in eServices and will show up when we are ready for you to complete it.

**Key information:**

- You don't need to request the additional \$600 payment. It will automatically be added to your payment if you are eligible for it, but still must file weekly claims.
- The job search requirement is optional, so if you answer “no.” it won't affect your benefits.
- You will be paid based on the weekly claims you complete. Weekly claims you filed before being approved will be processed together for an initial lump sum payment. After that, new weekly claims will be processed and paid each week.
- You will receive payment via the method you choose: direct deposit (fastest) or debit card.
- If you find work, stop filing weekly claims. Your payments will stop.

## How much will I receive?

We must verify wage information to determine your correct benefits. This typically takes up to three weeks if there are no issues with your application.

However, to get you money as soon as possible, we will pay you the minimum amount you are eligible for after you are approved and you submit your first weekly claim.

We will review the information you submit as quickly as possible and calculate the total benefits you’re owed. Any money you missed will be paid.

## Ready to apply?

When you’re ready, click the button and complete Step 1. Be sure to take this guide with you when you apply  
([https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/Unemployment/Guide\\_for\\_expanded\\_benefits\\_COVID.pdf](https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/Unemployment/Guide_for_expanded_benefits_COVID.pdf)).

Apply for regular unemployment (<https://secure.esd.wa.gov/home/>)




VETERANS  
PRIORITY  
of SERVICE

(<https://securemedia.newjobs.com/id/mgs/9976/docs/Priority-of-Service-Overview.pdf>)



GCDE  
Governor's Committee on  
Disability Issues & Employment

([../.../GCDE](https://esd.wa.gov/unemployment/cares-act))



COVID-19  
QUESTIONS



YES  
PERSONAL RECORD

How can we help?  
([../.../yeswehelp](https://esd.wa.gov/unemployment/cares-act))

Citizen engagement

Community ambassadors  
(../community)  
Rulemaking (../newsroom/rulemaking)  
Equal opportunity (../newsroom/equal-opportunity)  
Privacy policy (../newsroom/ESD-privacy-statement)  
How are we doing?  
(https://fortress.wa.gov/esd/webform/contactus)  
Report fraud (../unemployment/unemployment-benefits-fraud)

Quick links


Video library (../newsroom/video-library)  
Job fairs & hiring events  
(https://www.worksourcewa.com/microsite/content.aspx?appid=WAWORKSHOPS&pagetype=simple&seo=workshops)  
Unemployment Handbook  
(https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/Unemployment/ESD-Handbook-for-Unemployed-Workers.pdf)  
Records office (../newsroom/public-records)  
Veterans  
(../jobs-and-training/veteran-services)Referral union program  
(https://esd.wa.gov/newsroom/referral-union)  
Newsroom (../newsroom)


About us


Agency leadership (../newsroom/ESD-leadership)  
Our vision and mission  
(../newsroom/about-ESD)  
Careers with ESD (../jobs-and-training/jobs-with-employment-security)  
Bids & contracts (../newsroom/bids-and-contracts)  
Advisory committees  
(https://esd.wa.gov/newsroom/advisory-committees)  
Legislative resources (../newsroom/legislative-resources)  
Contact us (../newsroom/contact-ESD)


State government


Access Washington  
(http://access.wa.gov/)  
Register to vote  
(https://wei.sos.wa.gov/agency/osos/en/voters/Pages/register\_to\_vote.aspx)  
Washington Healthplanfinder  
(https://www.wahealthplanfinder/\_content/Homepage.html)  
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COVID-19  
QUESTIONS

How can we help?

# EXHIBIT 2

Date: Mar 19 2020

Letter ID: [REDACTED]

Claimant ID: [REDACTED]

MARIANNE M. WHITE

[REDACTED]  
BURIEN WA 98148-1415

Dear MARIANNE WHITE:

Standby-[REDACTED]

We made a decision about your unemployment benefits claim based on information we have at this time.

**We denied your request for standby from Mar 15 2020 until Apr 18 2020.**

You asked us to put you on standby while you are waiting to return to work. Standby means you don't have to look for work. We denied your request for the reason(s) shown below. You must look for work.

- You don't expect to return to full-time work with your regular employer within four weeks. Your employer can request up to eight weeks of standby.

The laws that apply are RCW 50.20.010 and WAC 192-110-015.

If we need to consider other questions about your claim, we'll send you separate letters to address each issue.

**You can appeal this decision if you disagree with it.**

We sent a copy of this letter to the people or businesses listed below. They can appeal the decision, too. We'll notify you if they do.

MARIANNE M WHITE [REDACTED] BURIEN WA 98148-1415,  
BEER STAR 9801 16TH AVE SW SEATTLE WA 98106-2830.


**What you need to do now**

- Read this entire letter carefully and decide if you want to appeal. You have until Apr 20 2020 to appeal.
- Whether or not you appeal, continue to submit weekly claims for weeks you want to get benefits. We'll decide if you're qualified for those benefits.

Search more than 60,000 Washington jobs on WorkSourceWA.com. Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.

[REDACTED]  
DETERMINATION LETTER



### How to appeal:

You or your employer(s) can appeal on eServices, by fax or postmarked by Apr 20 2020. You cannot appeal by email or phone.

The easiest way to appeal is to log into eServices, select this decision and follow the instructions.

If you choose to write a letter, you must tell us you disagree with the decision and would like to appeal. You must also include:

- Your Social Security number.
- The employer's name, address and phone number.
- Which decision you want to appeal.
- Your signature. We will return any unsigned appeals.

### Mail or fax the letter to:

Employment Security Department  
Claims Center Appeals  
P.O. Box 19018  
Olympia, WA 98507-0018  
Fax: (800) 301-1795

### After we receive an appeal:

- We will send the appeal and all information we have about this decision to the Office of Administrative Hearings (OAH), which will schedule a hearing.
- OAH will mail a Notice of Hearing by **U.S. mail** to you and the people or businesses listed above about the hearing date and time.

### More about filing an appeal:

- Go to the Benefit denials and appeals page on [esd.wa.gov](http://esd.wa.gov) or type "benefit appeals" in the search box. You can find an appeal template on the Benefit denials and appeals page, available in English or Spanish.
- Visit <http://app.leg.wa.gov/rcw/> and type 50.32.020 in the search box.

### Questions:

If you have questions about this letter, see the Handbook for Unemployed Workers at [esd.wa.gov/handbook](http://esd.wa.gov/handbook) or pick up a copy at your local WorkSource office. You can also call the claims center at (800) 318-6022.

Search more than 60,000 Washington jobs on [WorkSourceWA.com](http://WorkSourceWA.com). Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.





# EXHIBIT 3

Date: Mar 20 2020

Letter ID: [REDACTED]

MARIANNE M. WHITE  
[REDACTED]

BURIEN WA 98148-1415

Dear MARIANNE WHITE:

Standby-[REDACTED]

We made a decision about your unemployment benefits claim based on information we have at this time.

**We denied your request for standby from Mar 15 2020 until May 9 2020.**

You asked us to put you on standby while you are waiting to return to work. Standby means you don't have to look for work. We denied your request for the reason(s) shown below. You must look for work.

- You don't expect to return to full-time work with your regular employer within four weeks. Your employer can request up to eight weeks of standby.

The laws that apply are RCW 50.20.010 and WAC 192-110-015.

If we need to consider other questions about your claim, we'll send you separate letters to address each issue.

**You can appeal this decision if you disagree with it.**

We sent a copy of this letter to the people or businesses listed below. They can appeal the decision, too. We'll notify you if they do.

MARIANNE M WHITE [REDACTED] BURIEN WA 98148-1415,  
BEER STAR 9801 16TH AVE SW SEATTLE WA 98106-2830.

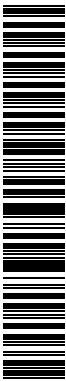
**What you need to do now**

- Read this entire letter carefully and decide if you want to appeal. You have until Apr 20 2020 to appeal.
- Whether or not you appeal, continue to submit weekly claims for weeks you want to get benefits. We'll decide if you're qualified for those benefits.

Search more than 60,000 Washington jobs on WorkSourceWA.com. Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.

[REDACTED]  
DETERMINATION LETTER



54000003-000835-02-00000000

### How to appeal:

You or your employer(s) can appeal on eServices, by fax or postmarked by Apr 20 2020. You cannot appeal by email or phone.

The easiest way to appeal is to log into eServices, select this decision and follow the instructions.

If you choose to write a letter, you must tell us you disagree with the decision and would like to appeal. You must also include:

- Your Social Security number.
- The employer's name, address and phone number.
- Which decision you want to appeal.
- Your signature. We will return any unsigned appeals.

### Mail or fax the letter to:

Employment Security Department  
Claims Center Appeals  
P.O. Box 19018  
Olympia, WA 98507-0018  
Fax: (800) 301-1795

### After we receive an appeal:

- We will send the appeal and all information we have about this decision to the Office of Administrative Hearings (OAH), which will schedule a hearing.
- OAH will mail a Notice of Hearing by **U.S. mail** to you and the people or businesses listed above about the hearing date and time.

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- Visit <http://app.leg.wa.gov/rcw/> and type 50.32.020 in the search box.

### Questions:

If you have questions about this letter, see the Handbook for Unemployed Workers at [esd.wa.gov/handbook](http://esd.wa.gov/handbook) or pick up a copy at your local WorkSource office. You can also call the claims center at (800) 318-6022.

Search more than 60,000 Washington jobs on [WorkSourceWA.com](http://WorkSourceWA.com). Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.



# EXHIBIT 4

Date: Apr 21 2020

Letter ID: [REDACTED]

Claimant ID: [REDACTED]

MARIANNE M. WHITE

[REDACTED]  
BURIEN WA 98148-1415

Dear MARIANNE WHITE:

Standby-[REDACTED]

We made a decision about your unemployment benefits claim based on information we have at this time.

**We denied your request for standby from 4/19/2020 until 7/18/2020.**

You asked us to put you on standby while you are waiting to return to work. We denied your request for standby because it doesn't meet the necessary criteria. You must look for work.

The laws that apply are RCW 50.20.010 and WAC 192-110-015.

If we need to consider other questions about your claim, we'll send you separate letters to address each issue.

**You can appeal this decision if you disagree with it.**

We sent a copy of this letter to the people or businesses listed below. They can appeal the decision, too. We'll notify you if they do.

MARIANNE M WHITE [REDACTED] BURIEN WA 98148-1415,  
BEER STAR 9801 16TH AVE SW SEATTLE WA 98106-2830.

**What you need to do now**

- Read this entire letter carefully and decide if you want to appeal. You have until May 22 2020 to appeal.
- Whether or not you appeal, continue to submit weekly claims for weeks you want to get benefits. We'll decide if you're qualified for those benefits.

**How to appeal:**

You or your employer(s) can appeal on eServices, by fax or postmarked by May 22 2020. You cannot appeal by email or phone.

Search more than 60,000 Washington jobs on WorkSourceWA.com. Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.

The easiest way to appeal is to log into eServices, select this decision and follow the instructions.

If you choose to write a letter, you must tell us you disagree with the decision and would like to appeal. You must also include:

- Your Social Security number.
- The employer's name, address and phone number.
- Which decision you want to appeal.
- Your signature. We will return any unsigned appeals.

**Mail or fax the letter to:**

Employment Security Department  
Claims Center Appeals  
P.O. Box 19018  
Olympia, WA 98507-0018  
Fax: (800) 301-1795

**After we receive an appeal:**

- We will send the appeal and all information we have about this decision to the Office of Administrative Hearings (OAH), which will schedule a hearing.
- OAH will mail a Notice of Hearing by **U.S. mail** to you and the people or businesses listed above about the hearing date and time.

**More about filing an appeal:**

- Go to the Benefit denials and appeals page on [esd.wa.gov](http://esd.wa.gov) or type "benefit appeals" in the search box. You can find an appeal template on the Benefit denials and appeals page, available in English or Spanish.
- Visit <http://app.leg.wa.gov/rcw/> and type 50.32.020 in the search box.

**Questions:**

If you have questions about this letter, see the Handbook for Unemployed Workers at [esd.wa.gov/handbook](http://esd.wa.gov/handbook) or pick up a copy at your local WorkSource office. You can also call the claims center at (800) 318-6022.

Search more than 60,000 Washington jobs on WorkSourceWA.com. Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.



# EXHIBIT 5



**Employment Security Department**

WASHINGTON STATE

P.O. Box 9046, Olympia, WA 98507

Date: Apr 22 2020

Letter ID: [REDACTED]

Claimant ID: [REDACTED]

MARIANNE M. WHITE

[REDACTED]  
BURIEN WA 98148-1415

**Pandemic Emergency Unemployment Compensation (PEUC) Determination**

We have determined:

- **You may receive up to \$643 each week you are eligible for unemployment benefits.**
- **Your maximum amount of benefits is \$8,359.00**
- **Your benefits are payable from Mar 29 2020 to Dec 26 2020.**

**If you become eligible for a new claim, you can no longer receive PEUC benefits. You must file the new claim even if the weekly benefit amount is lower.**

*This notification is not an approval or denial of benefits. It is a statement of how much you may receive as long as you otherwise qualify.*

The amount you may get each week (called your weekly benefit amount) is based on the wages you received during the most recent completed tax year. This period is called your base year.

**How to request an adjustment**

If any information looks wrong or is missing, call the claims center between 8 a.m. and 4 p.m., Monday through Friday at 800-318-6022, if you need help.

Anytime there is an adjustment to your determination, we will send you a *Pandemic Emergency Unemployment Compensation (PEUC) Redetermination*.

*Be sure to continue to file your weekly claims, even if you are waiting for an answer from us.*

If you have a hearing or speech impairment and need to call us, use the Washington Relay Service at 711.

Search more than 60,000 Washington jobs on WorkSourceWA.com. Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.

PEUC MONETARY DETERMINATION [REDACTED]



# EXHIBIT 6

Date: Apr 23 2020

Letter ID: [REDACTED]

Claimant ID: [REDACTED]

MARIANNE M. WHITE

[REDACTED]  
BURIEN WA 98148-1415

Dear MARIANNE WHITE:

We made a decision about your unemployment benefits claim based on information we have at this time.

**We approved your request for standby from Apr 19 2020 until May 23 2020.**

Standby means you don't have to look for a new job. You asked us to put you on standby while you're waiting to return to work. You don't need to look for work while you're on standby. You must be able to and available for any work offered by your employer. If you don't return to work by May 17 2020, you must start looking for work. If you normally get your work through a union, you must contact your union and follow the dispatch rules.

The laws that apply are RCW 50.20.010 and WAC 192-110-015.

### Questions

If you have questions about this letter, see the [Handbook for Unemployed Workers](http://esd.wa.gov/handbook) at [esd.wa.gov/handbook](http://esd.wa.gov/handbook) or pick up a copy at your local WorkSource office. You also can call the claims center at 800-318-6022.

Search more than 60,000 Washington jobs on WorkSourceWA.com. Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.



[REDACTED]  
STANDBY APPROVAL

# EXHIBIT 7

Date: Jun 2 2020

Letter ID: [REDACTED]

Claimant ID: [REDACTED]

MARIANNE M. WHITE  
[REDACTED]

BURIEN WA 98148-1415

Dear MARIANNE WHITE:

Standby-[REDACTED]

We made a decision about your unemployment benefits claim based on information we have at this time.

**We denied your request for standby from 5/31/2020 until 7/4/2020.**

You asked us to put you on standby while you are waiting to return to work. We denied your request for standby because it doesn't meet the necessary criteria. You must look for work.

The laws that apply are RCW 50.20.010 and WAC 192-110-015.

If we need to consider other questions about your claim, we'll send you separate letters to address each issue.

**You can appeal this decision if you disagree with it.**

We sent a copy of this letter to the people or businesses listed below. They can appeal the decision, too. We'll notify you if they do.

MARIANNE M WHITE [REDACTED] BURIEN WA 98148-1415.

**What you need to do now**

- Read this entire letter carefully and decide if you want to appeal. You have until Jul 2 2020 to appeal.
- Whether or not you appeal, continue to submit weekly claims for weeks you want to get benefits. We'll decide if you're qualified for those benefits.

**How to appeal:**

You or your employer(s) can appeal on eServices, by fax or postmarked by Jul 2 2020. You cannot appeal by email or phone.

Search more than 60,000 Washington jobs on WorkSourceWA.com. Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.

The easiest way to appeal is to log into eServices, select this decision and follow the instructions.

If you choose to write a letter, you must tell us you disagree with the decision and would like to appeal. You must also include:

- Your Social Security number.
- The employer's name, address and phone number.
- Which decision you want to appeal.
- Your signature. We will return any unsigned appeals.

**Mail or fax the letter to:**

Employment Security Department  
Claims Center Appeals  
P.O. Box 19018  
Olympia, WA 98507-0018  
Fax: (800) 301-1795

**After we receive an appeal:**

- We will send the appeal and all information we have about this decision to the Office of Administrative Hearings (OAH), which will schedule a hearing.
- OAH will mail a Notice of Hearing by **U.S. mail** to you and the people or businesses listed above about the hearing date and time.

**More about filing an appeal:**

- Go to the Benefit denials and appeals page on [esd.wa.gov](http://esd.wa.gov) or type "benefit appeals" in the search box. You can find an appeal template on the Benefit denials and appeals page, available in English or Spanish.
- Visit <http://app.leg.wa.gov/rcw/> and type 50.32.020 in the search box.

**Questions:**

If you have questions about this letter, see the Handbook for Unemployed Workers at [esd.wa.gov/handbook](http://esd.wa.gov/handbook) or pick up a copy at your local WorkSource office. You can also call the claims center at (800) 318-6022.

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Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.



# EXHIBIT 8

Date: Jun 2 2020

Letter ID: [REDACTED]

Claimant [REDACTED]

MARIANNE M. WHITE  
[REDACTED]

BURIEN WA 98148-1415

Dear MARIANNE WHITE:

Standby-[REDACTED]

We made a decision about your unemployment benefits claim based on information we have at this time.

**We denied your request for standby from 5/31/2020 until 7/4/2020.**

You asked us to put you on standby while you are waiting to return to work. We denied your request for standby because it doesn't meet the necessary criteria. You must look for work.

The laws that apply are RCW 50.20.010 and WAC 192-110-015.

If we need to consider other questions about your claim, we'll send you separate letters to address each issue.

**You can appeal this decision if you disagree with it.**

We sent a copy of this letter to the people or businesses listed below. They can appeal the decision, too. We'll notify you if they do.

MARIANNE M WHITE [REDACTED] BURIEN WA 98148-1415.

**What you need to do now**

- Read this entire letter carefully and decide if you want to appeal. You have until Jul 2 2020 to appeal.
- Whether or not you appeal, continue to submit weekly claims for weeks you want to get benefits. We'll decide if you're qualified for those benefits.

**How to appeal:**

You or your employer(s) can appeal on eServices, by fax or postmarked by Jul 2 2020. You cannot appeal by email or phone.

Search more than 60,000 Washington jobs on WorkSourceWA.com. Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.

DETERMINATION LETTER [REDACTED]

The easiest way to appeal is to log into eServices, select this decision and follow the instructions.

If you choose to write a letter, you must tell us you disagree with the decision and would like to appeal. You must also include:

- Your Social Security number.
- The employer's name, address and phone number.
- Which decision you want to appeal.
- Your signature. We will return any unsigned appeals.

**Mail or fax the letter to:**

Employment Security Department  
Claims Center Appeals  
P.O. Box 19018  
Olympia, WA 98507-0018  
Fax: (800) 301-1795

**After we receive an appeal:**

- We will send the appeal and all information we have about this decision to the Office of Administrative Hearings (OAH), which will schedule a hearing.
- OAH will mail a Notice of Hearing by **U.S. mail** to you and the people or businesses listed above about the hearing date and time.

**More about filing an appeal:**

- Go to the Benefit denials and appeals page on [esd.wa.gov](http://esd.wa.gov) or type "benefit appeals" in the search box. You can find an appeal template on the Benefit denials and appeals page, available in English or Spanish.
- Visit <http://app.leg.wa.gov/rcw/> and type 50.32.020 in the search box.

**Questions:**

If you have questions about this letter, see the Handbook for Unemployed Workers at [esd.wa.gov/handbook](http://esd.wa.gov/handbook) or pick up a copy at your local WorkSource office. You can also call the claims center at (800) 318-6022.

Search more than 60,000 Washington jobs on WorkSourceWA.com. Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.





# EXHIBIT 9

Date: Jun 3 2020

Letter ID: [REDACTED]

Claimant ID: [REDACTED]

MARIANNE M. WHITE

[REDACTED]  
BURIEN WA 98148-1415

Dear MARIANNE WHITE:

Able and available for  
work- [REDACTED]

We made a decision about your unemployment benefits claim based on information we have at this time.

**We must reduce or deny your unemployment benefits starting Mar 15 2020 until the reason for our decision no longer exists.**

You, your employer or someone else told us you were caring for another person. We decided you are not able to work and available for work all hours and days usual for your type of work.

The laws that apply are RCW 50.20.010, RCW 50.20.130, WAC 192-140-200 and WAC 192-170-010.

If we need to consider other questions about your claim, we'll send you separate letters to address each issue.

**You owe us \$5144.00 as a result of this decision.** You must pay it back because you were at fault for the overpayment.

See the *Overpayment details* table at the end of this letter. We can't waive this overpayment.

Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, individuals who are eligible for Regular UI can receive an additional \$600 included in their weekly payment. This is called Federal Pandemic Unemployment Compensation (FPUC). If you were denied a full week of benefits under your regular unemployment compensation, you are ineligible for any FPUC payments for that week.

**You can pay now**

If you agree with our decision and don't want to appeal, you can pay now:

- Online at [esd.wa.gov](https://esd.wa.gov). Select Pay a benefit overpayment, or
- By mail **Send payments to:**  
Employment Security Collections

Search more than 60,000 Washington jobs on WorkSourceWA.com. Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at [esd.wa.gov](https://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.

P.O. Box 24928  
Seattle, WA 98124-0928

**Include:**

- Your Social Security number or Employment Security ID number; and
- A request to apply your payment to your balance.

You must make payments on time. If you don't, we could:

- Garnish your wages or bank account(s); or
- Withhold your income tax refund.

If you need to discuss other payment options, call 866-697-4831.

**You can appeal this decision if you disagree with it.**

We sent a copy of this letter to the people or businesses listed below. They can appeal the decision, too. We'll notify you if they do.

MARIANNE M WHITE [REDACTED] BURien WA 98148-1415.

**What you need to do now**

- Read this entire letter carefully and decide if you want to appeal. You have until Jul 6 2020 to appeal.
- Whether or not you appeal, continue to submit weekly claims for weeks you want to get benefits. We'll decide if you're qualified for those benefits.

**How to appeal:**

You or your employer(s) can appeal on eServices, by fax or postmarked by Jul 6 2020. You cannot appeal by email or phone.

The easiest way to appeal is to log into eServices, select this decision and follow the instructions.

If you choose to write a letter, you must tell us you disagree with the decision and would like to appeal. You must also include:

- Your Social Security number.
- The employer's name, address and phone number.
- Which decision you want to appeal.
- Your signature. We will return any unsigned appeals.

**Mail or fax the letter to:**

Employment Security Department  
Claims Center Appeals  
P.O. Box 19018  
Olympia, WA 98507-0018  
Fax: (800) 301-1795

**After we receive an appeal:**

- We will send the appeal and all information we have about this decision to the Office of

Search more than 60,000 Washington jobs on WorkSourceWA.com. Visit WorkSource for free employment workshops and expert job hunting advice.

Read the Handbook for Unemployed Workers at esd.wa.gov to find everything you need to know about benefits, including training for a new career.



DETERMINATION LETTER [REDACTED]

Administrative Hearings (OAH), which will schedule a hearing.

- OAH will mail a Notice of Hearing by **U.S. mail** to you and the people or businesses listed above about the hearing date and time.

**More about filing an appeal:**

- Go to the Benefit denials and appeals page on [esd.wa.gov](http://esd.wa.gov) or type “benefit appeals” in the search box. You can find an appeal template on the Benefit denials and appeals page, available in English or Spanish.
- Visit <http://app.leg.wa.gov/rcw/> and type 50.32.020 in the search box.

**Questions:**

If you have questions about this letter, see the Handbook for Unemployed Workers at [esd.wa.gov/handbook](http://esd.wa.gov/handbook) or pick up a copy at your local WorkSource office. You can also call the claims center at (800) 318-6022.

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Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.



DETERMINATION LETTER



54000002-0001 60-04-00000000

## Overpayment details

The amount you need to repay includes what we withheld for your federal income tax, for child support or for repaying previous overpayments of your unemployment benefits.

Week we overpaid your benefits	Benefits we paid you	Benefits you are entitled to	Total amount we overpaid	Denied for multiple reasons?	Amount of penalty due to fraud	Conditional benefits	Regular benefit
Mar 22 2020 to Mar 28 2020	643.00	0.00	643.00	N	0.00	0.00	
Mar 29 2020 to Apr 4 2020	643.00	0.00	643.00	No	0.00	0.00	643.00
Apr 5 2020 to Apr 11 2020	643.00	0.00	643.00	No	0.00	0.00	643.00
Apr 12 2020 to Apr 18 2020	643.00	0.00	643.00	No	0.00	0.00	643.00
Apr 19 2020 to Apr 25 2020	643.00	0.00	643.00	No	0.00	0.00	643.00
Apr 26 2020 to May 2 2020	643.00	0.00	643.00	No	0.00	0.00	643.00
May 3 2020 to May 9 2020	643.00	0.00	643.00	No	0.00	0.00	643.00
May 10 2020 to May 16 2020	643.00	0.00	643.00	No	0.00	0.00	643.00
May 17 2020 to May 23 2020	0.00	0.00	0.00	No	0.00	0.00	0.00
May 24 2020 to May 30 2020	0.00	0.00	0.00	No	0.00	0.00	0.00
<b>Total</b>	<b>5,144.00</b>	<b>N/A</b>	<b>5,144.00</b>	<b>N/A</b>	<b>0.00</b>	<b>0.00</b>	<b>5,144.00</b>

\*If we denied your benefits for more than one reason, you might have more than one overpayment. The amount in the Total amount we overpaid column is the total of all overpayments connected to each week. The bill we send you might not match these amounts because it might cover other weeks.

Find details in eServices, where you can view all decisions and redeterminations about your claim.

Search more than 60,000 Washington jobs on WorkSource WA.com. Visit WorkSource for free employment workshops and expert job hunting advice. Read the Handbook for Unemployed Workers at [esd.wa.gov](http://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.

# EXHIBIT 10

Date: Jun 5 2020

Letter ID: [REDACTED]

Claimant ID: [REDACTED]

MARIANNE M. WHITE

[REDACTED]  
BURIEN WA 98148-1415

Dear MARIANNE WHITE:

We made a decision about your unemployment benefits claim based on information we have at this time.

**We approved your request for standby from May 31 2020 until Jul 25 2020.**

Standby means you don't have to look for a new job. You asked us to put you on standby while you're waiting to return to work. You don't need to look for work while you're on standby. You must be able to and available for any work offered by your employer. If you don't return to work by Jul 20 2020, you must start looking for work. If you normally get your work through a union, you must contact your union and follow the dispatch rules.

The laws that apply are RCW 50.20.010 and WAC 192-110-015.

### Questions

If you have questions about this letter, see the [Handbook for Unemployed Workers](https://esd.wa.gov/handbook) at [esd.wa.gov/handbook](https://esd.wa.gov/handbook) or pick up a copy at your local WorkSource office. You also can call the claims center at 800-318-6022.

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Read the Handbook for Unemployed Workers at [esd.wa.gov](https://esd.wa.gov) to find everything you need to know about benefits, including training for a new career.

[REDACTED]  
STANDBY APPROVAL

**THE SHERIDAN LAW FIRM, P.S.**

**June 05, 2020 - 4:29 PM**

**Filing Original Action Against State Officer**

**Transmittal Information**

**Filed with Court:** Supreme Court

**Appellate Court Case Number:** Case Initiation

**The following documents have been uploaded:**

- OAS\_Orig\_Act\_Against\_State\_Officer\_Plus\_20200605162453SC327913\_4057.pdf

This File Contains:

Affidavit/Declaration - Other

Original Action Against State Officer

*The Original File Name was 060520 ULP vs. State Marianne White Declaration FINAL.pdf*

**A copy of the uploaded files will be sent to:**

- Jeffrey.even@atg.wa.gov
- andra@sheridanlawfirm.com
- justin@sheridanlawfirm.com
- serviceATG@atg.wa.gov

**Comments:**

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Sender Name: Mark Rose - Email: mark@sheridanlawfirm.com

**Filing on Behalf of:** John Patrick Sheridan - Email: jack@sheridanlawfirm.com (Alternate Email: )

Address:

705 2ND AVE STE 1200

SEATTLE, WA, 98104-1798

Phone: 206-381-5949

**Note: The Filing Id is 20200605162453SC327913**