

**WASHINGTON STATE
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES
BOARD OF APPEALS**

In the matter of:

Dawn LaRoche,

Appellant.

Docket No. 049703

ORDER DENYING PETITION FOR REVIEW

Agency: Dept. of Children, Youth, and Families
Program: Daycare License Suspension

Appearances:

Appellant, Dawn LaRoche, by Seattle Litigation Group, PLLC
per Jessica Creager, Attorney at Law

The Department of Children, Youth & Families by the Office of the Attorney General
per Michael Rothman, Assistant Attorney General

On March 5, 2019, the Appellant filed a "Petition for Review of Initial Decision" with the Department of Children, Youth & Families (DCYF) Board of Appeals. The Department of Children, Youth & Families did not file a response. The Appellant appeals Administrative Law Judge Michael Rothman's decision denying her Motion for Partial Summary Judgment.

An Administrative Law Judge is authorized to enter an order to address limited issues before closing the record and mailing a hearing decision resolving all issues. The procedural rules for Department administrative hearings provide that review at the Board of Appeals is available when a party disagrees with an initial order.¹ The term "review" is defined as "the act of reviewing initial orders and issuing the DCYF final order as provided


¹ WAC 110-03-0510

by RCW 34.05.464.”² A Board of Appeals Review Judge reviews decisions made by an Administrative Law Judge.³ Neither the term “hearing decision” nor “decision” is defined in chapter 110-03 WAC, although WAC 110-03-0020 provides that “Initial order” is “a hearing decision made by an ALJ that may be reviewed by a Review Judge at either party’s request.” Absent clear regulatory guidance, the undersigned turns to the case law for guidance.⁴

A decision denying a summary judgment is not a dispositive order. It is an interlocutory order. As such, it is not ripe for review. “Judicial policy generally disfavors interlocutory appeals.” *Maybury v. Seattle* 53 Wash. 2d 716,721,336 P.2d 878 (1959) Likewise, piecemeal appeals of interlocutory orders must be avoided in the interests of speedy and economical disposition of judicial business.” *Minehart v. Morning Star Boys Ranch, Inc.* 156 Wn. App. 457, 462,232 P.3d 591 (2010) quoting *Maybury v. City of Seattle* Ibid at 721. *Owens v. Kuro* 56 Wn2d 564, 354 P.2d 564 (1960)

Accordingly, **IT IS ORDERED** that the Appellant’s Petition for Review be **DISMISSED**.

SERVED on the date of mailing.



LAURA L. FARRIS, Review Judge
Board of Appeals
Department of Children, Youth, and Families

² The Undersigned notes that this definition is different than the DSHS definition of review which is “a review judge evaluating initial orders entered by an ALJ and making the final agency decision as provided by RCW 34.05.464, or issuing final orders. (emphasis added)

³ WAC 110-03-0020 at “Review Judge.”

⁴ WAC 110-03-0210

