

# Washington State Trade Adjustment Assistance Policy

---

**Policy Number:** 3025, Revision 1 (2009)

**Policy Title:** Denial of Trade Adjustment Assistance and Appeals under the 2009 Amendments

**Effective Date:** December 5, 2018

## 1. **Purpose:**

To communicate policy on denial of Trade Adjustment Assistance (TAA), Trade Readjustment Allowances (TRA) and Reemployment Trade Adjustment Assistance (RTAA) entitlements and activities (job search allowances, relocation allowances and training) and appeals of those denials.

## 2. **Background:**

The Trade Adjustment Assistance for Workers Program (TAA program) was first established in the Trade Act of 1974 as a tool to retrain trade impacted workers and help them find suitable employment. The Trade and Globalization Adjustment Assistance Act (TGAAA) of 2009 (Public Law 111-5) was enacted on February 17, 2009, and extended the TGAAA program through December 31, 2010. It expanded TAA benefits for workers, firms, and Farmers, including workers and firms in the service sector. It also improves workers' opportunities for reemployment services, training, and income support. The 2009 Program applies to workers covered under petition numbers TA-W 70,000 – 79,999.

## 3. **Policy:**

Upon the filing of an initial application for Trade Adjustment Assistance and Trade Readjustment Allowances, the Employment Security Department (ESD) will promptly determine the individual's entitlement to TAA and TRA. ESD will also promptly make determinations of any subsequent applications for any other Trade Act benefits or services.

Approvals and denials of all benefits under Trade Act entitlements and activities must be issued in writing. The formal determination will inform the applicant of the reason for the determination or redetermination, and of the right to request reconsideration or appeal.

Redeterminations pertaining to Trade Act will use the provisions that apply to a redetermination on a claim for Unemployment Insurance (UI). However, no provision of state law or regulations on good cause for waiver of any time limit, or for late filing of any claim, will apply to any time limitations.

Proceedings for review of a determination or redetermination may be consolidated where convenient or necessary. Determinations and redeterminations are subject to review and

appeal under Washington state law. Appeals must be decided promptly to provide for prompt payment of UI when due.

#### **a. Trade Act Entitlements**

The Special Programs TRA Unit must issue written determinations or redeterminations when allowing or denying TAA, TRA, or Reemployment Trade Adjustment Assistance (RTAA) entitlements.

#### **b. Trade Act Entitlement Appeals**

Participants who receive written determinations or redeterminations denying TAA, TRA, or RTAA entitlements, and do not agree with the decisions, have the right to file appeals. Participants must file their appeal requests within 30 days after the date of notification or mailing of such determinations or redeterminations.

Appeals of entitlement denials are to be sent to the Special Programs TRA Unit using the following address or fax number:

ESD Appeals Request  
PO Box 9046  
Olympia, WA 98507  
Fax: 855-623-9367

The TRA Unit will upload appeals with support documentation to the state Office of Administrative Hearings (OAH) within five days of the participant filing their appeal.

**Note:** If the person filing an appeal does not have an account in UTAB, send an email to [Spokane-OAH@oah.wa.gov](mailto:Spokane-OAH@oah.wa.gov) to alert them that a manual case has been filed.

#### **c. TAA Activities**

TAA Case Managers must issue a decision in writing when allowing or denying TAA activities (job search allowances, relocation allowances and training). Before TAA activity denials are finalized, they must be confirmed first by the TAA Supervisor and then by the TAA Program Operator.

#### **d. TAA Activity Appeals**

Participants who receive written determinations or redeterminations denying TAA activities, and do not agree with the decisions, have the right to file appeals. Participants must file their appeal requests with a WorkSource office within 30 days after the date of notification or mailing of such determinations or redeterminations.

The TAA Case Manager, Supervisor, or Program Operator will prepare the appeal request with all the necessary documentation according to the TAA Procedure Manual. They will email the appeal to the TRA Unit within three days of the participant filing their appeal, with all documentation necessary to support the denial decision.

Appeals of activity denials are to be sent to the Special Programs TRA Unit using the following email address:

[UITRA@esd.wa.gov](mailto:UITRA@esd.wa.gov)

The TRA Unit will upload appeals with support documentation to the state Office of Administrative Hearings (OAH) within five days of the participant filing their appeal.

**Note:** If the person filing an appeal does not have an account in UTAB, send an email to [Spokane-OAH@oah.wa.gov](mailto:Spokane-OAH@oah.wa.gov) to alert them that a manual case has been filed.

**4. Definitions:**

None.

**5. References:**

- [Public Law 111-5](#), Trade and Globalization Adjustment Assistance Act of 2009
- [20 CFR Part 618](#), TAA Final Rule
- [Training and Employment Guidance Letter \(TEGL\) 22-08](#), Operating Instructions for Implementing the Amendments to the Trade Act of 1974 enacted by the Trade and Globalization Adjustment Assistance Act of 2009; [Change 1](#).

**6. Supersedes:**

TAA Policy 3025 (2009 Amendments) dated September 29, 2017.

**7. Website:**

[Workforce Professionals Center](#)

**8. Action:**

Employment Security Department Regional Directors and WorkSource Administrators must distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

**9. Attachments:**

None.

**Direct Inquiries To:**

*Employment System Administration and Policy  
Employment System Policy and Integrity Division  
Employment Security Department  
P.O. Box 9046  
Olympia, WA 98506-9046  
[SystemPolicy@esd.wa.gov](mailto:SystemPolicy@esd.wa.gov)*