

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

ANJELITA LONGORIA FORNARA,

Complainant,

vs.

WASHINGTON STATE DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES,

Respondent.

CASE 136327-U-23

DECISION 13876-C - PSRA

DECISION OF COMMISSION

Anjelita Longoria Fornara, the complainant.

Cheryl L. Wolfe, Senior Counsel, and *Jessica M. Erickson*, Assistant Attorney General, Attorney General Robert W. Ferguson for the Washington State Department of Children, Youth, and Families.

SUMMARY OF DECISION

The Commission upholds the Examiner's decision that the Washington State Department of Children, Youth, and Families (DCYF) did not discriminate against Anjelita Longoria Fornara under RCW 41.80.110(1)(d).

ANALYSIS

The Commission reviews conclusions of law, as well as interpretations of statutes, de novo. *City of Wenatchee*, Decision 8802-A (PECB, 2006). Unchallenged findings of fact are verities on appeal. *City of Vancouver v. Public Employment Relations Commission*, 180 Wn. App. 333, 347 (2014); *Brinnon School District*, Decision 7210-A (PECB, 2001). A party assigning error has the burden of showing a challenged finding is in error and not supported by substantial evidence; otherwise, findings are presumed correct. *Renton Technical College*, Decision 7441-A (CCOL,

2002) (citing *Fisher Properties, Inc. v. Arden-Mayfair, Inc.*, 115 Wn.2d 364 (1990); *Brinnon School District*, Decision 7210-A).

Decisions issued by examiners include numbered findings of fact and conclusions of law and an order. *Puyallup School District*, Decision 12814-A (PECB, 2018). WAC 391-45-350(3) states that a notice of appeal “shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.” A party may comply with WAC 391-45-350(3) by identifying the numbered findings of fact and conclusions of law it is appealing. *Puyallup School District*, Decision 12814-A. With this specificity, the Commission can review the record and modify, vacate, or substitute any findings of fact not supported by substantial evidence. *Id.* The Commission applies these rules equally to complainants represented by counsel and those appearing pro se. *City of Seattle*, Decision 13735-A (PECB, 2024) (treating all findings of fact as verities after the pro se complainant did not identify specific findings of fact in error); *City of Bellingham (Washington State Council of County and City Employees)*, Decision 11422-A (PECB, 2013).

On appeal, Fornara contends that the DCYF did not provide a legitimate, nondiscriminatory reason for reducing Fornara’s pay. In response, the DCYF argues the findings of fact are verities because Fornara did not identify any findings of fact to be in error. The DCYF further asserts that Fornara’s arguments are conclusory, and Fornara has not explained how the Examiner’s decision is in error.

In her notice of appeal, Fornara did not identify the findings of fact to be in error; accordingly, the findings of fact are verities on appeal. The findings of fact support the Examiner’s conclusions of law. We affirm the Examiner.

ORDER

The findings of fact, conclusions of law, and order issued by Examiner Elizabeth Snyder are AFFIRMED and adopted as the findings of fact, conclusions of law, and order of the Commission.

ISSUED at Olympia, Washington, this 25th day of November, 2024.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Mark Lyon", written over the printed name.

MARK LYON, Chairperson

A handwritten signature in black ink, appearing to read "Elizabeth Ford", written over the printed name.

ELIZABETH FORD, Commissioner

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under RCW 34.05.542.