

21 NCAC 22L .0115 PROPOSALS FOR DECISIONS AND FINAL DECISION

- (a) When the Board conducts the contested case hearing, the Board shall render a final agency decision within 60 days after the hearing if no transcript is requested by the Board or either party, or within 45 days after receipt of a transcript of the hearing. The parties may submit proposed decisions within 20 days after the hearing or receipt of the transcript, whichever is later.
- (b) When an administrative law judge conducts the hearing, a proposal for decision shall be rendered in accordance with G.S. 150B-40(e). The parties may file written exceptions to the proposal for decision and submit their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals shall be filed within 10 days after the party has received the proposal for decision as drafted by the administrative law judge.
- (c) Any exceptions to the procedure during the hearing, the handling of the hearing by the administrative law judge, rulings on evidence, or any other matter shall be written and refer specifically to pages of the record or otherwise identify the occurrence to which exception is taken. The exceptions shall be filed with the Board within 10 days of the receipt of the proposal for decision. The written exceptions shall bear the notation: EXCEPTIONS TO THE PROCEEDINGS IN THE CASE OF (Name of Case).
- (d) Any party may present oral argument on written exceptions to the Board upon request. The request shall be included with the written exceptions.
- (e) Upon receipt of request for oral argument on written exceptions, notice shall be issued by the Board to all parties designating the time and place for such oral argument.
- (f) The Board may adopt the administrative law judge's proposal for decision or may modify it as the Board deems necessary. The Board shall render the final agency decision within 60 days after the next regularly scheduled Board meeting following the deadline for receipt of the written exceptions or the hearing of oral arguments on written exceptions, whichever is later. The final agency decision rendered shall be part of the record and a copy thereof given to all parties.

*History Note: Authority G.S. 93D-3; 150B-38; 150B-40;
Eff. January 1, 1992;
Amended Eff. December 1, 2013; March 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*