

21 NCAC 48G .0516 PROPOSALS FOR DECISION

(a) When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), a "proposal for decision" shall be served on all parties to the proceeding at their mailing address or upon their counsel of record. The parties may file written exceptions to this "Proposal for decision" and submit their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals must be filed with the Board within 15 days after the party has received the "proposal for decision" as drafted by the administrative law judge, and must be served on all other parties at the same time it is filed with the Board.

(b) Any party may file a written argument to the Board within 15 days after receipt of the proposal for decision. Any party may file a request to present oral argument to the Board. Such request must be filed within 15 days of the receipt of the proposal for decision.

(c) Upon receipt of a request for oral argument, notice will be issued promptly to all parties designating the time and place for such oral argument.

(d) Giving due consideration to the proposal for decision and the exceptions and arguments of the parties, the Board may adopt the proposal for decision or may modify it as the Board deems necessary. The decision rendered will be a part of the record and a copy thereof given to all parties. The decision as adopted or modified becomes the "final agency decision" for the right to judicial review. Said decision will be rendered by the Board within 60 days of the next regularly scheduled meeting following the oral arguments, or if none, within 60 days of the next regularly scheduled Board meeting following receipt of the last document filed in the case.

History Note: *Authority G.S. 90-270.92; 150B-38; 150B-40; 150B-42;*

Eff. October 1, 1995;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.