

26 NCAC 03 .0127 ADMINISTRATIVE LAW JUDGE'S DECISION

(a) An administrative law judge shall issue a final decision or order in a contested case within 45 days after the later of the date the administrative law judge receives any proposed findings of fact and written arguments submitted by the parties and the date the contested case hearing ends.

(b) An administrative law judge's final decision shall be based exclusively on:

- (1) competent evidence and arguments presented during the hearing and made a part of the official record;
- (2) stipulations of fact;
- (3) matters officially noticed;
- (4) any proposed findings of fact and written arguments submitted by the parties under Rule .0120(f) of this Section; and
- (5) other items in the official record that are not excluded by G.S. 150B-29(b).

(c) An administrative law judge's final decision shall fully dispose of all issues required to resolve the case and shall contain:

- (1) a caption;
- (2) the appearances of the parties;
- (3) a statement of the issues;
- (4) references to specific statutes or rules at issue;
- (5) findings of fact;
- (6) conclusions of law based on the findings of fact and applicable constitutional principles, statutes, rules, or federal regulations;
- (7) in the discretion of the administrative law judge, a memorandum giving reasons for his findings of fact and conclusions of law; and
- (8) a statement that each party has the right to file an appeal of the administrative law judge's final decision by filing a Petition for Judicial Review in the Superior Court of Wake County or in the Superior Court of the county in which the party resides, or, where applicable pursuant to G.S. 7A-29(a), a Notice of Appeal to the Court of Appeals.

(d) The chief administrative law judge may extend the 45-day time limit for issuing a decision. An administrative law judge who needs an extension must submit a request for extension to the chief administrative law judge before the 45-day period has expired.

*History Note: Authority G.S. 7A-751(a); 150B-34; 150B-47;
Eff. August 1, 1986;
Temporary Amendment Eff. August 26, 1987 For a Period of 120 Days to Expire on December 24, 1987;
Temporary Amendment Eff. December 24, 1987 For a Period of 8 Days to Expire on January 1, 1988;
Amended Eff. February 1, 1994; October 1, 1991; April 1, 1990; January 1, 1989;
Recodified from Rule .0126 Eff. August 1, 2000;
Amended Eff. April 1, 2001;
Temporary Amendment Eff. January 1, 2012;
Amended Eff. November 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;
Amended Eff. January 1, 2025.*