

21 NCAC 12A .0830 PROPOSALS FOR DECISIONS

(a) If an administrative law judge hears a contested case pursuant to G.S. 150B-40(e), a party may file written exception and alternative finding of facts and conclusions of law to the "proposal for decision" issued by the administrative law judge. The written exceptions and alternative findings of facts and conclusions of law shall be received by the Board within 10 days after the party has received the "proposal for decision" as drafted by the administrative law judge.

(b) Any exceptions shall be written and refer specifically to pages of the record or otherwise identify the occurrence to which exception is taken. The exceptions must be filed with the Board within ten 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).

(c) Pursuant to G.S. 150B-40(e), any party may present oral argument to the Board upon request. The request must be included with the written exceptions.

(d) Upon receipt of request for further oral argument, Board staff shall issue notice to all parties designating time and place for such oral argument.

(e) The Board's final decision shall be a part of the record, a copy shall be given to all parties, and shall be the "final agency decision" for the right to judicial review. The final written decision shall be issued by the Board within 60 days from the date oral arguments were presented to the Board. If there are no oral arguments presented, the final written decision shall be issued within 60 days of the date on which the Board rendered its decision.

*History Note: Authority G.S. 87-4; 87-11(b); 150B-38; 150B-40;
Eff. September 1, 1988;
Amended Eff. July 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;
Amended Eff. April 1, 2018;
Recodified from 21 NCAC 12 .0830 Eff. January 2, 2020.*