21 NCAC 46 .2016 PROPOSALS FOR DECISIONS

- (a) When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), that statute governs the procedures before the administrative law judge.
- (b) Within 10 days after the proposal for decision is served on the parties under G.S. 150B-40(e), a party may file and serve written exceptions to this proposal for decision and submit its own proposed findings of fact and conclusions of law. The party shall explicitly state what exceptions are taken to the decision or procedure and what relief the party seeks. Exceptions must refer to pages of the record or otherwise identify the occurrence to which the party takes exception. Each proposed finding of fact shall refer to pages of the record or otherwise identify the evidence supporting the proposed finding, and each proposed conclusion of law must refer to or otherwise identify both the findings of fact and legal support for the proposed conclusion. A party may file and serve written arguments along with the exceptions and proposed findings of fact and conclusions of law.
- (c) A party may ask to present oral argument to the Board. The party must file and serve the request with the written submissions under Paragraph (b) of this Rule. If a party requests oral argument, the Board will notice the time and place for such oral argument. The presiding officer may set the terms of oral argument, including order of argument and time limitations.
- (d) After the procedures set forth in this Section, the Board will issue a final agency decision in accordance with Rule .2015 of this Section.

History Note: Authority G.S. 90-85.6; 150B-38; 150B-40; 150B-41; 150B-42;

Eff. July 1, 1988;

Amended Eff. May 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,

2017;

Amended Eff. August 1, 2020.