

**3310.2922 RECEIPT OF EVIDENCE.**

Only evidence received into the record of any hearing may be considered by the unemployment law judge. The parties may stipulate to the existence of any fact or the authenticity of any exhibit.

All competent, relevant, and material evidence, including records and documents in the possession of the parties that are offered into evidence, are part of the hearing record. An unemployment law judge may receive any evidence that possesses probative value, including hearsay, if it is the type of evidence on which reasonable, prudent persons are accustomed to rely in the conduct of their serious affairs. An unemployment law judge may exclude any evidence that is irrelevant, immaterial, unreliable, or unduly repetitious. An unemployment law judge is not bound by statutory and common law rules of evidence. The rules of evidence may be used as a guide in determining the quality of evidence offered. An unemployment law judge may draw adverse inferences from the refusal of a party or witness to testify on the basis of any privilege. An unemployment law judge may only use reliable, probative, and substantial evidence as a basis for decision.

**Statutory Authority:** *MS s 14.386; 14.388; 116J.035; 268.021; 268.10; 268.105*

**History:** *12 SR 2252; 31 SR 285; 33 SR 999; 39 SR 151*

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