

4405.1200 FINAL DECISIONS AND ORDERS.

Subpart 1. **Decision.** The board shall make all final decisions and orders in those matters for which a hearing, contested case, or rulemaking proceeding conducted under Minnesota Statutes, chapter 14, has been held. When required by law, the board's decision or order must be based solely on the record from the hearing. Nothing in this rule precludes argument concerning the application of law to matters of record.

Subp. 2. **Findings and conclusions.** The decision or order must be accompanied by a concise statement of the findings and conclusions upon each contested issue of fact necessary to the decision. If the proposed statements of findings and conclusions submitted to the board are not adopted, the board shall direct its staff to prepare additional findings and conclusions. Rejection of the proposed findings and conclusions is considered an interim decision. A final decision on the matter must be made after the board has adopted a statement of findings and conclusions. When the board or its staff has prepared proposed findings and conclusions, a copy must be served on all parties at least ten calendar days before the meeting at which the board intends to make its decision or order.

Subp. 3. **Remand.** The board may remand a matter to the administrative law judge for further proceedings if the board determines that the record is inadequate.

Statutory Authority: *MS s 14.06; 116C.66; 116D.04; 116G.04; 216E.16*

History: *9 SR 333; L 1984 c 640 s 32*

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