

4405.1300 RECONSIDERATION AND REHEARING.

Subpart 1. **Board right to reconsider and rehear.** Under the procedures in this part, the board may reconsider or rehear a final decision. The right to reconsider or rehear under this part may be exercised unless it is lost by appeal or the granting of a writ or certiorari.

Subp. 2. **Reconsideration.** A board member or a party to a matter may request the board to reconsider a final decision by notifying the chairperson in writing within ten calendar days after the board meeting at which the final decision on a matter was made. The chairperson shall place the request for reconsideration on the agenda for the board meeting next following the meeting at which the decision was made. Absent a motion to reconsider by a board member at the board meeting next following the meeting at which the decision was made, the request for reconsideration is deemed to be denied.

Subp. 3. **Obtaining a rehearing.** At any time within ten calendar days after the board's final decision on a matter for which the board held a hearing or a contested case, a board member or a party to the matter may request a rehearing by filing with the chairperson in writing both a request for reconsideration and a petition for rehearing. The chairperson shall place the request for reconsideration and petition for rehearing on the agenda for the board meeting next following the meeting at which the decision was made. The petition must contain the name, address, and telephone number of the petitioner; the board designation for the matter; and the reasons for the petition.

A petition for rehearing submitted after a final decision on the matter has been reached by the board may not be acted upon unless the board has first decided to reconsider its decision. Absent a motion by a board member to reconsider at the board meeting next following the board meeting at which the decision was made, the request for reconsideration and the petition for rehearing is deemed to be denied. The board shall grant or deny a petition for rehearing as part of the record of the decision. This petition must be granted upon a showing that there are irregularities in the hearing which affected the outcome of a hearing, errors of law, or that there is newly discovered material evidence of such importance it would have likely altered the outcome of the hearing. A rehearing petition must also be granted upon a showing of good cause for failure to have answered or appeared at the hearing.

A rehearing must be noticed and conducted in the same manner as the original hearing or contested case on a matter; provided that, in a contested case, the administrative law judge may permit service of the notice less than 30 days prior to the rehearing of a contested case.

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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