

**5000.0700 RECONSIDERATION; NO PROBABLE CAUSE DETERMINATION.**

Subpart 1. **Service of notice of request for reconsideration.** A charging party may request reconsideration of a determination of no probable cause by serving a written notice of request for reconsideration upon the commissioner and the respondent by hand delivery or by mail postmarked within ten calendar days after service of the determination notice.

Subp. 2. **Acknowledgment of request.** The commissioner shall acknowledge in writing to the charging party and respondent by first class mail the receipt of a timely notice requesting reconsideration.

Subp. 3. [Repealed, 11 SR 740]

Subp. 4. [Repealed, 11 SR 740]

Subp. 5. [Repealed, 11 SR 740]

Subp. 6. [Repealed, 11 SR 740]

Subp. 7. [Repealed, 11 SR 740]

Subp. 8. **Basis for reconsideration.** A request for reconsideration shall contain or identify and describe the relevance of one or more of the following:

- A. evidence that was not available during the investigation;
- B. evidence that was available in the investigation but not properly weighed in reaching the determination; or
- C. statutory or case law indicating that the determination is erroneous.

Subp. 9. **Review of request.** The commissioner shall review or shall designate one or more qualified persons to review the record of investigation and the evidence and argument presented with the request. The review shall be conducted within 20 days of the department's receipt of the request. Following review the commissioner shall either:

- A. affirm the determination of no probable cause;
- B. reverse the determination of no probable cause; or
- C. vacate the determination of no probable cause and remand the case for further investigation on its merits and issuance of a new determination.

Subp. 10. **Notice of decision.** Within ten days of the review of the request for reconsideration, the commissioner shall notify the charging party and the respondent of the decision made on the request. This decision shall be issued to the charging party and the respondent in the form on an order that states the decision and indicates the basis on which it was made. This notice shall be served on the charging party by certified mail.

Subp. 11. **Effect of decision.** The rights of the parties remain as they were before the decision on the request for reconsideration, except that a redetermination of no probable cause will not be reconsidered by the commissioner.

**Statutory Authority:** *MS s 363.05; 363A.06*

**History:** *11 SR 740*

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