

**5215.2100 PETITIONS FOR MODIFICATION OF ABATEMENT DATE.**

When a petition for modification of abatement date filed under part 5210.0542 is objected to by the commissioner, affected employees, or an authorized employee representative, the petition must be processed as follows:

A. The petition, citation, and objections received by the Department of Labor and Industry must be forwarded to the board within three days after the expiration of the 15-day period set out in part 5210.0542, subpart 7.

B. The board shall docket and process the petition in the same manner as any other contested case, except that all hearings on the petitions must be handled on an expedited basis.

C. An employer petitioning for a modification of abatement date has the burden of proving that the employer has made a good faith effort to comply with the abatement requirements of the citation and that abatement has not been completed because of factors beyond the employer's control.

D. Within ten days after receiving notice of the docketing by the board of any petition for modification of abatement date, each objecting party shall file a response setting forth the reasons for opposing the granting of a modification date different from that requested in the petition.

**Statutory Authority:** *MS s 14.06; 175.171; 182.651; 182.661; 182.664*

**History:** *8 SR 1482; 17 SR 1279; 20 SR 2428*

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