

5500.2100 RECONSIDERATION.

Any party to a jurisdictional controversy proceeding may request a reconsideration or clarification of the determination of the labor referee, on any or all of the following grounds: that there is material evidence newly discovered, which, with reasonable diligence, could not be found or produced at the prior hearings; that the determination is not justified by the evidence; that any adverse party has been guilty of misconduct which materially affected the result. Such request shall be in writing and shall set forth the facts upon which it is based. Copies of such request shall be served on all other parties to the proceeding and upon the labor referee. The labor referee may then proceed to consider the request if the referee deems the grounds stated sufficient, or may reject the same on deeming the grounds insufficient. On determining to consider the request, the labor referee shall order a preliminary hearing thereon, notice of which shall be given as provided for the first hearing upon such jurisdictional controversy. After such hearing the labor referee shall make an order granting or denying the request. If the request is granted, the labor referee shall proceed to reconsider or clarify the determination and shall fix a time and place for hearing thereon, of which notice shall be given as for the first hearing. The labor referee may by order limit the matters upon which the referee will receive new or additional evidence. Thereupon, further proceedings shall be had as upon the original notice or jurisdictional controversy. At the conclusion thereof, the labor referee shall affirm the determination or shall make and file an amended determination which shall supersede the original determination.

Statutory Authority: *MS s 179.71*

History: *17 SR 1279*

Published Electronically: *October 1, 2014*