

5500.2100 RECONSIDERING FINAL DETERMINATION.**Subpart 1. Requesting reconsideration.**

A. A party to a jurisdictional controversy may request a reconsideration or clarification of the labor referee's final determination on any or all of the following grounds:

(1) there is material evidence newly discovered that with reasonable diligence could not be found or produced at the hearing;

(2) the determination is not justified by the evidence; or

(3) an adverse party has been guilty of misconduct that materially affected the result.

B. A request under item A must be in writing and set forth the facts upon which the request is based. Within ten calendar days after the labor referee's determination under part 5500.2000, item A, is filed, a copy of the request must be served on all other parties to the proceeding and the labor referee.

Subp. 2. Determining reconsideration request; hearing.

A. After receiving a reconsideration request under subpart 1, the labor referee must:

(1) consider the request if the referee deems the grounds stated sufficient according to subpart 1, item A; or

(2) reject the request if the referee deems the grounds insufficient according to subpart 1, item A.

B. When determining to consider the request, the labor referee must order a preliminary hearing and give notice according to part 5500.1600.

C. After the preliminary hearing, the labor referee must make an order granting or denying the request. If granting the request, the labor referee must fix a time and place for a hearing and give notice according to part 5500.1600. The labor referee may by order limit the matters upon which the referee will receive new or additional evidence and must include in the order why the referee limited matters.

D. Further proceedings must be held according to parts 5500.1700 to 5500.1900. When the proceedings end, the labor referee must:

(1) affirm the original determination under part 5500.2000, item A; or

(2) make and file simultaneously with the commissioner and the parties an amended determination that supersedes the original determination.

Statutory Authority: *MS s 179.02; 179.71; 179.82; 179A.04; 179A.16; 626.892*

History: *17 SR 1279; 46 SR 1387*

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