

7000.2100 PETITION FOR STAY AND REOPENING OF FINAL DECISION FOLLOWING CONTESTED CASE HEARING.

Subpart 1. **Petition for a stay and reopening.** At any time up to ten days after the board's or commissioner's final decision, any party to a contested case hearing may petition in writing the board or commissioner for an order that the board's or commissioner's final decision be stayed and that the matter be reopened and, if necessary, remanded to the administrative law judge. The petition must be served upon all board members, including the commissioner, and parties. Any response to the petition by other parties must be served any time up to seven days after receipt of the petition on all the board members, the commissioner, and parties to the matter.

Subp. 2. **Petition contents.** The written petition shall contain the name and address of the petitioner, the agency designation for the matter, and the specific grounds as described in subpart 3 for staying and reopening the matter.

Subp. 3. **Grounds for granting or denying petition.** The petition shall be granted upon a showing that there are irregularities in the hearing, errors of law, or newly discovered material issues of fact that could not have been discovered prior to the board's or commissioner's final decision and of such importance as are likely to have altered the outcome of the decision.

Subp. 4. **Board's or commissioner's consideration of petition.** Within 30 days of the board's final decision, the board must schedule a meeting to determine whether or not to deny or grant the petition submitted under subpart 1. Within 30 days of the commissioner's final decision, the commissioner must deny or grant the petition submitted under subpart 1.

Statutory Authority: *MS s 14.06; 116.07*

History: *19 SR 1310; 20 SR 2629; 28 SR 1249*

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