

7325.0410 PROCEEDINGS BEFORE THE BOARD.

Subpart 1. **Board initiated review of recommended decision and order.** The board may, in the absence of the submission of any exceptions, review a recommended decision and order on its own motion when:

A. the board believes the hearing officer's recommended decision and order may be inconsistent with the law or the facts; or

B. a board decision on the case would assist the public by clarifying the law on a particular issue.

Subp. 2. **Notice of intent to review.** If the board decides to review a recommended order and decision on its own motion, it shall prepare a notice of intent to review specifying the grounds for such review and serve the notice of intent to review on all parties to the case no later than 45 days following the date on which the hearing officer's decision and order was served upon the parties to the case.

Subp. 3. **Submissions in response to board's intent to review.** The board's order deciding to review shall afford all parties the opportunity to submit briefs within 30 days of its notice of intent to review. Parties desiring to present oral argument regarding the matters identified in the board's notice of intent to review must submit a request for oral argument within 30 days of service of the board's notice of intent to review.

Subp. 4. **Means of obtaining evidence.** If the board requires the submission of additional evidence under Minnesota Statutes, section 179A.041, subdivision 7, the board must obtain the evidence using the following means:

A. presentation of evidence in documentary form;

B. remand to a hearing officer for the presentation of evidence; or

C. an evidentiary hearing conducted by the board.

Statutory Authority: *MS s 179A.041*

History: *41 SR 5*

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