Sec. 31-237g-20.   Request for remand by Administrator

   (a) After an appeal to the Referee is filed, the Referee may, upon the written request of the Administrator, remand the appeal to the Administrator for purposes of reconsideration by the Administrator provided the request is prepared in accordance with Section 31-237g-10(a) of these regulations and the request is received by the Appeals Division office involved prior to the mailing of the Referee's decision on such appeal. Such a remand may issue without any hearing before the Referee. The general provisions of Section 31-237g-34(a) of these regulations to the contrary notwithstanding, a Referee's decision on a request for remand by the Administrator is not subject to appeal but may be subject to a motion to reopen.

   (b) A Referee's decision remanding an appeal pursuant to subsection (a) above shall be prepared and delivered in accordance with Section 31-237g-13 of these regulations and shall include a reference to the request approved, but need not otherwise comply with Section 31-237g-33(b) of these regulations. In granting such a request for remand, the Referee may retain jurisdiction of the appeal. If the Referee retains jurisdiction, upon the issuance of a new determination by the Administrator, the Referee shall provide all parties to the appeal an opportunity to be heard and shall thereafter issue a decision affirming, reversing or modifying the Administrator's determination, provided that the Referee shall not issue a decision if all parties to the appeal consent to the withdrawal of the appeal. If the Referee does not retain jurisdiction, the Administrator's new determination shall inform the aggrieved party of its right to file a new appeal from the determination.

   (c) A Referee's decision denying a request for remand by the Administrator shall state the reason for such denial and be either separately prepared and delivered in accordance with Section 31-237g-13 (a) or incorporated in the Referee's decision on the appeal.

(Effective January 1, 1988; Amended October 27, 1997)