

Sec. 46a-54-71a. Request for reopening procedures

(a) A complainant or a respondent, may, for good cause shown, in the interest of justice, apply in writing for the reopening of a matter previously closed by the commission.

(1) Any application requesting reopening shall be received in an office of the commission not later than two (2) years after the commission's final decision on the matter. The complainant or respondent requesting reopening of a previously closed matter shall be responsible for establishing timely receipt of the request for reopening in an office of the commission.

(2) The complainant or respondent requesting reopening shall set forth with specificity the reason(s) for the request. A request that fails to provide the reason(s) for the reopening may not be considered a reopening request.

(3) A complainant requesting reopening shall certify that a copy of the written application was mailed to the respondent or the respondent's attorney. A respondent requesting reopening shall certify that a copy of the written application was mailed to the complainant or the complainant's attorney.

(4) The executive director or the executive director's designee shall send a notice confirming receipt of the reopening request to the complainant, respondent, and their respective attorneys, if known. The notice shall invite the applicant and the other party to submit any other information relating to the request for reopening by a date certain.

(b) The commission may delegate to the executive director or to the executive director's designee the responsibility to:

(1) Review the file in the previously closed matter;

(2) Evaluate the application for reopening in accordance with the standards set forth in section 46a-94a(d) of the Connecticut General Statutes and subsection (c) of this section; and

(3) Prepare and submit a summary of the reopening application, an evaluation of the application and a recommendation to the commission that it grant or deny the request for reopening.

(4) The executive director or the executive director's designee shall send a notice of the recommendation on the reopening request to the complainant, respondent, and their respective attorneys, if known. At the same time, the complainant, respondent, and their respective attorneys, if known, shall be informed of the date, time and place of the commission meeting when the commission will vote on the request to reopen.

(c) The commission may, by a majority vote of the members present and voting at a commission meeting, grant or deny a request for reopening. The commission shall apply the following standards in its evaluation of an application to reopen a previously closed matter:

(1) A material mistake of fact or law has occurred; or

(2) The finding is arbitrary or capricious; or

(3) The finding is clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(4) New evidence has been discovered which materially affects the merits of the case and which, for good reasons, was not presented during the investigation; or

(5) In the interests of justice, other good cause for reopening the matter has been shown.

(d) The commission may provide direction to the executive director or the executive director's designee regarding further processing of a matter that has been reopened.

(e) The commission shall not reopen a matter previously closed if:

(1) The matter previously closed by the commission was appealed to the Superior Court pursuant to Section 4-183 of the Connecticut General Statutes.

(2) The application for reopening was filed in an office of the commission more than two years after the date of the commission's final decision.

(3) The commission administratively closed the previous matter upon the applicant's request for a release of jurisdiction and the executive director's issuance of a release of jurisdiction pursuant to that request.

(4) The application for reopening concerns a matter previously closed by a decision of a human rights referee.

(f) If, during the executive director's or the executive director's designee's review pursuant to subsection (b) of this section, it appears that the commission should reopen the matter on its own motion, the executive director or the executive director's designee shall prepare a recommendation in accordance with subsection (b) of this section that the commission reopen the matter on its own motion. Additionally, whenever the executive director or the executive director's designee believes that a matter previously closed by the commission should be reopened by the Commission on its own motion, the executive director or the executive director's designee, shall prepare a recommendation in accordance with the provisions of subsection (b) of this section

(g) The commission may reopen on its own motion, for good cause shown and whenever justice shall require, any previously closed matter in accordance with the standards set forth at subsection (c) of this section. A reopening shall be by a majority vote of the members of the commission present and voting at a commission meeting.

(h) The executive director, or the executive director's designee, shall notify the complainant, the respondent, and their respective attorneys, if any, in writing of all final decisions made on all reopening requests.

(i) If the request to reopen a previously closed matter is granted or if the commission on its own motion reopens any previously closed matter, the case file shall be returned to the appropriate regional office for further investigation or other action consistent with the decision of the commission.

(Adopted effective November 4, 2002)