

Sec. 31-376-48. Discretionary Review; petitions for; statements in opposition

(a) A party aggrieved by the decision of a Hearing Officer may submit a petition for discretionary review. An aggrieved party that fails to file a petition for such review by the commission may be foreclosed from court review of any objection to the hearing officer's decision.

(1) Except as provided in subdivisions (2) and (3) of this section, any petition must be received by the hearing officer at his office on or before the twentieth day following his mailing of a copy of the decision to the parties.

(2) When there is no objection by any party, when an expedited proceeding has been directed pursuant to section 31-376-52, or for other good cause, the hearing officer is empowered to prescribe a shorter time for filing petitions for discretionary review following the mailing of his decision.

(3) Petitions for review of a hearing officer's decision may be filed directly with the secretary subsequent to the filing of the hearing officer's report. Such petitions will be considered to the extent that time and resources permit. Parties filing such petitions should be aware that any action by a commission member directing review must be taken within thirty (30) days following the filing of the hearing officer's report.

(4) In the case of proposed settlements or other proposed dispositions by consent of all parties, petitions for discretionary review shall not be allowed, except for good cause shown.

(b) A petition should contain a concise statement of each portion of the decision and order to which exception is taken and may be accompanied by a brief of points and authorities relied upon. The inclusion of precise citations to the record or legal authorities, as the case may be, will facilitate prompt review of the petition.

(c) Failure to act on such petition within the review period shall be deemed a denial thereof.

(d) Statements in opposition to petitions for discretionary review may be filed at the times and places specified in this section for the filing of petitions for discretionary review. Any statement shall contain a concise statement on each portion of the petition to which it is addressed.

(e) An original and three copies of any petition or statement shall be filed with the commission.

(Effective April 16, 1980)