235.455(b) provides as follows with respect to
the Black Lung Benefits Act, 30 U.S.C. 901:
Evidence. The administrative law judge
shall at the hearing inquire fully into all
matters at issue, and shall not be bound by
common law or statutory rules of evidence,
or by technical or formal rules of procedure,
except as provided by 5 U.S.C. 554 and this
subpart. The administrative law judge shall
receive into evidence the testimony of the
witnesses and parties, the evidence sub-
mitted to the Office of Administrative Law
Judges by the deputy commissioner under
§725.421, and such additional evidence as may
be submitted in accordance with the provi-
sions of this subpart. The administrative law
judge may entertain the objections of any
party to the evidence submitted under this
section.
Section 18.1101(c) provides that these rules
do not apply to the extent inconsistent with,
in conflict with, or to the extent a matter is
otherwise specifically provided for by an Act
of Congress or by a rule or regulation of spe-
cific application prescribed by the United
States Department of Labor pursuant to
statutory authority. Whether section 23(a)
and §725.455(b) are in fact incompatible with
these rules, while unlikely for various rea-
sons including their lack of specificity, is
nevertheless arguable.
Without regard to section 23(a) and
§725.455(b), various other considerations sup-
port the conclusion to exclude hearings
under Longshore, Black Lung, and related
acts from coverage of these rules at this
time. Longshore, Black Lung, and related
acts involve entitlements. Claimants in such
hearings benefit from proceeding pursuant to
the most liberal evidence rules that are con-
sistent with the orderly administration of
justice and the ascertainment of truth.
Claimants in such hearings on occasion ap-
pear pro se. While the modifications made by
these rules are clearly designed to further
liberalize the already liberal Federal Rules
of Evidence, it is nevertheless unclear at this
time whether even conformity with minimal
requirements with respect to the introduc-
tion of evidence would present a significant
barrier to the successful prosecution of mer-
itorious claims. Rather than speculate as to
the impact adoption of these rules would
have upon such entitlement programs, it was
decided to exclude hearings involving such
entitlement programs from coverage of these
rules. It is anticipated that application of
these rules to hearings involving such enti-
tlement programs will be reconsidered in the
future following careful study. Notice that
the inapplicability of these rules in such
hearings at this time is specifically stated in
§18.1101(b)(2) to be without prejudice to the
continuation of current practice with respect
to application of rules of evidence in such
hearings.
[55 FR 13229, Apr. 9, 1990; 55 FR 24227, June 15,
1990]

PART 19—RIGHT TO FINANCIAL
PRIVACY ACT

§ 19.1 Definitions.
For purposes of this regulation, the
term:
(a) Financial institution means any of-
office of a bank, savings bank, card
issuer as defined in section 103 of the
 Consumer Credit Protection Act (15
U.S.C. 1602(n)), industrial loan com-
pany, trust company, savings and loan,
building and loan, or homestead asso-
ciation (including cooperative banks),
credit union, consumer financial insti-
tution, located in any State or terri-
tory of the United States, the District
of Columbia, Puerto Rico, Guam,
American Samoa, or the Virgin Is-
lands.
(b) Financial record means an original
of, a copy of, or information known to
have been derived from, any record
held by a financial institution per-
taining to a customer’s relationship
with the financial institution.
(c) Person means an individual or a
partnership of five or fewer individuals.
(d) Customer means any person or
authorized representative of that person
who utilized or is utilizing any
service of a financial institution, or for
whom a financial institution is acting
or has acted as a fiduciary, in relation
to an account maintained in the per-
son’s name.
(e) Law enforcement inquiry means a
lawful investigation or official pro-
ceeding inquiring into a violation of or
failure to comply with any criminal or

AUTHORITY: Sec. 1108, Right to Financial
Privacy Act of 1978, 92 Stat. 3697 et seq., 12
U.S.C. 3401 et seq., (5 U.S.C. 301); and Reorga-
nization Plan No. 6 of 1950.
SOURCE: 52 FR 48420, Dec. 22, 1987, unless
otherwise noted.