

**§ 18.8 Recommended decision.**

Within a reasonable time after the close of the record of the hearings conducted under § 18.6, the hearing officer shall submit findings of fact, conclusions of law, and a recommended order to the responsible agency official, in writing. The hearing officer shall promptly make copies of these documents available to the parties.

**§ 18.9 Final agency decision.**

(a) In hearings conducted under § 18.6, the responsible agency official shall make the final agency decision, on the basis of the record, findings, conclusions, and recommendations presented by the hearing examiner.

(b) Prior to making a final decision, the responsible agency official shall give the parties an opportunity to submit the following, within thirty (30) days after the submission of the hearing officer's recommendations:

- (1) Proposed findings and determinations;
  - (2) Exceptions to the recommendations of the hearing officer; and
  - (3) Supporting reasons for the exceptions or proposed findings or determinations; and
  - (4) Final briefs summarizing the arguments presented at the hearing.
- (c) All determinations, findings and conclusions made by the responsible agency official shall be final and conclusive upon the responsible agency and all appellants.

**§ 18.10 Rehearing.**

(a) Any appellant dissatisfied with a final agency decision under § 18.9 may, within 30 days after the notice of the final agency decision is sent, request the responsible agency official to re-review the record, and present additional evidence which is appropriate and pertinent to support a different decision.

(b) If the responsible agency official finds that the appellant has:

- (1) Presented evidence or argument which is sufficiently significant to require the conduct of further proceedings; or
- (2) Shown some defect in the conduct of the initial hearing sufficient to cause substantial unfairness or an erroneous finding in that hearing, the responsible agency official may require

that another oral hearing be held on one or more of the issues in controversy, or permit the dissatisfied party to present further evidence or argument in writing.

(c) Any rehearing ordered by the responsible agency official shall be conducted pursuant to §§ 18.5-18.8.

**PART 19—USE OF PENALTY MAIL IN THE LOCATION AND RECOVERY OF MISSING CHILDREN**

Sec.

- 19.1 Purpose.
- 19.2 Contact person for Missing Children Penalty Mail Program.
- 19.3 Policy.
- 19.4 Cost and percentage estimates.
- 19.5 Report to the Office of Juvenile Justice and Delinquency Prevention.
- 19.6 Responsibility of DOJ organizational units for program implementation and implementation procedures.

AUTHORITY: 39 U.S.C. 3220(a)(2), 5 U.S.C. 301.

SOURCE: Order No. 1239-87, 52 FR 45174, Nov. 25, 1987, unless otherwise noted.

**§ 19.1 Purpose.**

This regulation, providing for a Missing Children Penalty Mail Program in the Department of Justice (DOJ), is intended to comply with the regulation requirement set forth in section 1(a) of Public Law 99-87, which adds a new section 3220 to title 39, U.S. Code. The regulation also implements the Office of Juvenile Justice and Delinquency Prevention (OJJDP) guideline (50 FR 46622) promulgated under the authority of 39 U.S.C. 3220(a)(1), and is intended to assist in the location and recovery of missing children through the use of DOJ penalty mail.

**§ 19.2 Contact person for Missing Children Penalty Mail Program.**

The DOJ contact person for the Missing Children Penalty Mail Program is: Patricia Schellman, General Services Staff, Justice Management Division, U.S. Department of Justice, 10th and Constitution Ave., NW., Washington, DC 20530, telephone number (202) 633-2353.