

§ 18.1

PRESUMPTIONS

- 18.301 Presumptions in general.
- 18.302 Applicability of state law.

RELEVANCY AND ITS LIMITS

- 18.401 Definition of *relevant evidence*.
- 18.402 Relevant evidence generally admissible; irrelevant evidence inadmissible.
- 18.403 Exclusion of relevant evidence on grounds of confusion or waste of time.
- 18.404 Character evidence not admissible to prove conduct; exceptions; other crimes.
- 18.405 Methods of proving character.
- 18.406 Habit; routine practice.
- 18.407 Subsequent remedial measures.
- 18.408 Compromise and offers to compromise.
- 18.409 Payment of medical and similar expenses.
- 18.410 Inadmissibility of pleas, plea discussion, and related statements.
- 18.411 Liability insurance.

PRIVILEGES

- 18.501 General rule.

WITNESSES

- 18.601 General rule of competency.
- 18.602 Lack of personal knowledge.
- 18.603 Oath or affirmation.
- 18.604 Interpreters.
- 18.605 Competency of judge as witness.
- 18.606 [Reserved]
- 18.607 Who may impeach.
- 18.608 Evidence of character and conduct of witness.
- 18.609 Impeachment by evidence of conviction of crime.
- 18.610 Religious beliefs or opinions.
- 18.611 Mode and order of interrogation and presentation.
- 18.612 Writing used to refresh memory.
- 18.613 Prior statements of witnesses.
- 18.614 Calling and interrogation of witnesses by judge.
- 18.615 Exclusion of witnesses.

OPINIONS AND EXPERT TESTIMONY

- 18.701 Opinion testimony by lay witnesses.
- 18.702 Testimony by experts.
- 18.703 Bases of opinion testimony by experts.
- 18.704 Opinion on ultimate issue.
- 18.705 Disclosure of facts or data underlying expert opinion.
- 18.706 Judge appointed experts.

HEARSAY

- 18.801 Definitions.
- 18.802 Hearsay rule.
- 18.803 Hearsay exceptions; availability of declarant immaterial.
- 18.804 Hearsay exceptions; declarant unavailable.
- 18.805 Hearsay within hearsay.

29 CFR Subtitle A (7-1-06 Edition)

- 18.806 Attacking and supporting credibility of declarant.

AUTHENTICATION AND IDENTIFICATION

- 18.901 Requirement of authentication or identification.
- 18.902 Self-authentication.
- 18.903 Subscribing witness' testimony unnecessary.

CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

- 18.1001 Definitions.
- 18.1002 Requirement of original.
- 18.1003 Admissibility of duplicates.
- 18.1004 Admissibility of other evidence of contents.
- 18.1005 Public records.
- 18.1006 Summaries.
- 18.1007 Testimony or written admission of party.
- 18.1008 Functions of the judge.

APPLICABILITY

- 18.1101 Applicability of the rules.
- 18.1102 [Reserved]
- 18.1103 Title.
- 18.1104 Effective date.

APPENDIX TO SUBPART B—REPORTER'S NOTES

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Subpart A—General

§ 18.1 Scope of rules.

(a) *General application.* These rules of practice are generally applicable to adjudicatory proceedings before the Office of Administrative Law Judges, United States Department of Labor. Such proceedings shall be conducted expeditiously and the parties shall make every effort at each stage of a proceeding to avoid delay. To the extent that these rules may be inconsistent with a rule of special application as provided by statute, executive order, or regulation, the latter is controlling. The Rules of Civil Procedure for the District Courts of the United States shall be applied in any situation not provided for or controlled by these rules, or by any statute, executive order or regulation.

(b) *Waiver, modification, or suspension.* Upon notice to all parties, the administrative law judge may, with respect to matters pending before him or her, modify or waive any rule herein upon a

determination that no party will be prejudiced and that the ends of justice will be served thereby. These rules may, from time to time, be suspended, modified or revoked in whole or part.

§ 18.2 Definitions.

For purposes of these rules:

(a) *Adjudicatory proceeding* means a judicial-type proceeding leading to the formulation of a final order;

(b) *Administrative law judge* means an administrative law judge appointed pursuant to the provisions of 5 U.S.C. 3105 (provisions of the rules in this part which refer to administrative law judges may be applicable to other Presiding Officers as well);

(c) *Administrative Procedure Act* means those provisions of the Administrative Procedure Act, as codified, which are contained in 5 U.S.C. 551 through 559;

(d) *Complaint* means any document initiating an adjudicatory proceeding, whether designated a complaint, appeal or an order for proceeding or otherwise;

(e) *Hearing* means that part of a proceeding which involves the submission of evidence, either by oral presentation or written submission;

(f) *Order* means the whole or any part of a final procedural or substantive disposition of a matter by the administrative law judge in a matter other than rulemaking;

(g) *Party* includes a person or agency named or admitted as a party to a proceeding;

(h) *Person* includes an individual, partnership, corporation, association, exchange or other entity or organization;

(i) *Pleading* means the complaint, the answer to the complaint, any supplement or amendment thereto, and any reply that may be permitted to any answer, supplement or amendment;

(j) *Respondent* means a party to an adjudicatory proceeding against whom findings may be made or who may be required to provide *relief or take remedial action*;

(k) *Secretary* means the Secretary of Labor and includes any administrator, commissioner, appellate body, board, or other official thereunder for purposes of appeal of recommended or

final decisions of administrative law judges;

(l) *Complainant* means a person who is seeking relief from any act or omission in violation of a statute, executive order or regulation;

(m) The term *petition* means a written request, made by a person or party, for some affirmative action;

(n) The term *Consent Agreement* means any written document containing a specified proposed remedy or other relief acceptable to all parties;

(o) *Commencement of Proceeding* is the filing of a request for hearing, order of reference, or referral of a claim for hearing.

§ 18.3 Service and filing of documents.

(a) *Generally*. Except as otherwise provided in this part, copies of all documents shall be served on all parties of record. All documents should clearly designate the docket number, if any, and short title of the matter. If the matter involves a program administered by the Office of Workers' Compensation Programs (OWCP), the document should contain the OWCP number in addition to the docket number. All documents to be filed shall be delivered or mailed to the Chief Docket Clerk, Office of Administrative Law Judges (OALJ), 800 K Street, NW., Suite 400, Washington, DC 20001-8002, or to the OALJ Regional Office to which the proceeding may have been transferred for hearing. Each document filed shall be clear and legible.

(b) *How made; by parties*. All documents shall be filed with the Office of Administrative Law Judges, except that notices of deposition, depositions, interrogatories, requests for admissions, and answers and responses thereto, shall not be so filed unless the presiding judge so orders, the document is being offered into evidence, the document is submitted in support of a motion or a response to a motion, filing is required by a specialized rule, or there is some other compelling reason for its submission. Whenever under this part service by a party is required to be made upon a party represented by an attorney or other representative the service shall be made upon the attorney or other representative unless service upon the party is ordered by