

HEARINGS

§ 1720.505 Interlocutory review of administrative law judge's decision.

(a) The appeals officer will not review a ruling of an administrative law judge prior to the appeals officer's consideration of the entire proceeding in the absence of extraordinary circumstances. Except as provided in § 1720.140 an administrative law judge shall not certify a ruling for interlocutory review to an appeals officer unless a party so requests and the administrative law judge is of the opinion and finds either on the record or in writing that:

(1) A subsequent reversal of the ruling would cause unusual delay or expense, taking into consideration the probability of such reversal, or

(2) Substantial rights are at stake and the final decision might be materially affected.

(b) The certification by the administrative law judge shall be in writing and shall specify the material relevant to the ruling involved. The appeals officer may decline to consider the ruling certified if the officer determines that interlocutory review is not warranted or appropriate under the circumstances. If the administrative law judge does not certify a matter, a party who had requested certification may apply to the appeals officer for review. An application for review shall be in writing and shall briefly state the grounds relied on and shall be filed within 2 days after notice of the ruling complained of. Review will not be granted unless the appeals officer concludes that the administrative law judge erred in failing to certify the matter. Unless otherwise ordered by the administrative law judge, the hearing shall continue whether or not such certification or application is made. Failure to request certification or to make such application will not waive the right to seek review of the ruling of the administrative law judge after the close of the hearing.

[43 FR 29496, July 7, 1978, as amended at 50 FR 10942, Mar. 19, 1985]

§ 1720.510 Reporting and transcription.

Hearings shall be stenographically or mechanically reported and transcribed under the supervision of the administrative law judge. The original transcript shall be a part of the record and the sole official transcript. Copies of transcripts shall be available from the reporter at rates not to exceed the maximum rates fixed by contract between the Secretary and the reporter.

§ 1720.515 Corrections.

Corrections of the official transcript ordered by the administrative law judge shall be included in the record. Corrections shall not be ordered by the administrative law judge except upon notice and opportunity for the hearing of objections. Such corrections shall be made by the reporter by furnishing substitute pages, under the usual certificate of the reporter, for insertion in the official record.

§ 1720.520 Proposed findings, conclusions, and order.

The administrative law judge may fix a reasonable time, not to exceed 30 days after the close of the evidence, during which any party may file with the administrative law judge proposed findings of fact, conclusions of law and rules or orders together with briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties and shall contain adequate references to the record and to authorities relied on. The record shall show the administrative law judge's ruling on each proposed finding and conclusion, except when the rule or order disposing of the proceeding otherwise informs the parties of the action taken thereon.

§ 1720.525 Decision of administrative law judge.

(a) The administrative law judge shall make and file a decision within 30 days after the close of the taking of evidence in cases in which a hearing is held.

(b) The decision shall be effective 10 days after service upon the parties unless a petition for appeal is filed pursuant to § 1720.605 which shall serve to