

## Government Accountability Office

## § 22.22

record is closed. However, at any time after the closing of the record and prior to a decision of the appeal by the Board, at the request of a party or upon its own initiative, the Board may reopen the record for the purpose of receiving newly discovered evidence or for such other reason as may appear to the Board to be appropriate.

### § 22.19 Findings and Decisions of the Board [Rule 19].

(a) *Generally.* All proceedings shall be concluded and appeals disposed of as expeditiously as possible, commensurate with sound adjudicatory procedure. The findings and decision in each appeal shall be made by the members of the panel which considered that appeal, and the findings and decision of the majority thereof shall constitute the findings and decision of the Board. The absence or withdrawal of one member of the panel which considered that appeal shall not invalidate the proceedings, and the decision of the remaining panel members shall constitute the decision of the Board. All decisions and findings of the Board shall be made in writing and copies thereof shall be forwarded to the parties or their counsel.

(b) *Record upon which findings and decisions are based.* (1) The record upon which any decision of the Board will be rendered consists of the following:

- (i) Notice of appeal;
- (ii) Pleadings, motions, written briefs and statements, and responses thereto;
- (iii) Rule 4 file and any supplements other than those to which an objection has been sustained;
- (iv) Hearing exhibits other than those to which an objection has been sustained;
- (v) Orders, rulings, and directions to the parties issued by the Board;
- (vi) Written transcripts and electronic recordings of proceedings;
- (vii) Stipulations, party admissions, depositions or parts thereof received in evidence, and written interrogatories and responses received in evidence;
- (viii) Anything else that the Board may designate.

(2) All other documents and electronically stored information are part of the administrative record of the proceedings and are not included in the

record upon which the Board's decision will be rendered.

### § 22.20 Mistakes and Corrections [Rule 20].

(a) *To decisions and orders.* Clerical mistakes in decisions or orders of the Board may be corrected at any time on the Board's own initiative or upon motion of a party, except that if an appeal has been filed with another tribunal, such mistakes may be corrected only with leave of that tribunal.

(b) *To the official transcript.* Corrections to an official transcript of a hearing will be made only when they involve errors affecting its substance. The Board may order such corrections on motion or on its own initiative and only after notice to the parties giving them an opportunity to object. Such corrections will ordinarily be made either by hand with pen and ink or by the appending of an errata sheet, or the Board may require that the reporter provide substitute or additional pages.

### § 22.21 Motion for Reconsideration [Rule 21].

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 15 days of receipt of a copy of the Board's decision. Mere disagreement with a decision, re-argument of points already made, or the presentation of new evidence that could have been presented during the appeal but was not, are not sufficient grounds for reconsideration. A motion pending under § 22.21 [Rule 21] does not affect the finality of a decision or suspend its operation.

### § 22.22 Accelerated and Small Claims Procedures [Rule 22].

(a) *Variation from standard proceedings.* The ultimate purpose of any Board proceeding is to resolve fairly and expeditiously any dispute properly before the Board. The Board may at any time during an appeal modify the procedures contained in these rules if it is deemed feasible and furthers the resolution of the issue(s) in controversy.

(b) *Accelerated procedure.* The accelerated procedure is available solely at