

§321-B. Appeal from administrative law judge decision

1. Procedure. An appeal of a decision by an administrative law judge pursuant to section 318 to the division must be conducted pursuant to this subsection.

A. A party in interest may file with the division a notice of intent to appeal a decision by an administrative law judge pursuant to section 318 within 20 days after receipt of notice of the filing of the decision by the administrative law judge. [PL 2015, c. 297, §16 (AMD).]

B. At the time of filing an appeal under this section, the appellant shall file with the division a copy of the decision appealed. The failure of an appellant who timely files an appeal in accordance with paragraph A to provide a copy of the decision does not affect the jurisdiction of the division to determine the appeal on its merits unless the appellee shows substantial prejudice from that failure. [PL 2013, c. 63, §13 (AMD); PL 2013, c. 63, §16 (AFF).]

[PL 2015, c. 297, §16 (AMD).]

2. Basis. A finding of fact by an administrative law judge is not subject to appeal under this section.

[PL 2015, c. 297, §16 (AMD).]

3. Action. The division, after due consideration, may affirm, vacate, remand or modify a decree of an administrative law judge and shall issue a written decision. The written decision of the division must be filed with the board and mailed to the parties or their counsel.

[PL 2015, c. 297, §16 (AMD).]

4. Publication of decisions. The division shall publish the decisions issued under subsection 3 and make them available to the public at such cost as is required to pay for suitable publication. The division shall distribute copies of all written decisions to the State Law Library and the county law libraries.

[PL 2011, c. 647, §20 (NEW).]

SECTION HISTORY

PL 2011, c. 647, §20 (NEW). PL 2013, c. 63, §§13, 14 (AMD). PL 2013, c. 63, §16 (AFF). PL 2015, c. 297, §16 (AMD).

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