



ADMINISTRATIVE RULES OF MONTANA



6.6.8203 INFORMAL CONTESTED CASE PROCEEDING

- (1) This rule sets forth procedural steps that shall be followed in informal contested case hearings for administrative appeals involving classification determinations.
- (2) Classification determination hearings must be informal proceedings held pursuant to 2-4-604, MCA. Classification determination hearings are conducted in such a manner as to ascertain the substantial rights of the parties. All issues relevant to the classification determination are considered and passed upon. Any party and any witness may, under oath or affirmation, present pertinent evidence subject to examination by the committee and to cross-examination by the opposing party.
- (3) With the consent of the committee, the parties may stipulate in writing the facts of the case. A hearing may nevertheless be held if the committee finds such a stipulation inadequate for determination in the administrative appeal.
- (4) If any party fails to appear at the hearing, and good cause justifying continuance is not shown, the committee may decide the issues and make a determination on the best evidence available. The hearing may be postponed for good cause upon application to the committee orally or in writing before the hearing is concluded.
- (5) The committee may continue any hearing for a reasonable period of time, in order to secure all the evidence that is necessary and to be fair to the parties.
- (6) The committee may in its discretion or at the request of any party appoint a hearings examiner to decide all pre-hearing matters and to conduct the hearing. After the hearings examiner is appointed the examiner shall take evidence and prepare proposed findings of fact and conclusions of law which the committee may accept or reject or modify in whole or in part based upon the evidence produced during the informal contested case proceeding.

Authorizing statute(s): Sec. 33-16-1012, MCA

Implementing statute(s): Sec. 2-4-603, 2-4-604, 33-16-1012, MCA

History: TEMP, NEW, 1993 MAR p. 2225, Eff. 10/1/93; AMD, 1995 MAR p. 2138, Eff. 10/13/95.