



ADMINISTRATIVE RULES OF MONTANA



37.62.949 PROPOSED DECISION, FINAL DECISION AND ORDER

- (1) Following the close of hearing and the receipt of post-hearing briefs and other evidence ordered by the ALJ, the presiding ALJ shall prepare a proposed decision and order. Copies of the proposed decision and order shall be served on each party as provided in ARM 37.62.917. A proposed decision and order is interim in effect and does not become a final CSSD decision and order except as provided in (2) of this rule and by ARM 37.62.951(6) .
- (2) The parties shall have 20 days following service of the proposed decision and order to review the order. At the end of the 20 days, the presiding ALJ may enact the proposed decision and order as a final CSSD order unless a party, within the 20 day review period, files a motion to review the proposed order as provided by ARM 37.62.951. A decision and order that becomes final under this rule takes effect as to its terms on the date it is enacted. Copies of the final decision and order shall be delivered or mailed to each party, and to each party's attorney if any.
- (3) Proposed and final decisions and orders must include findings of fact, conclusions of law and the policy reasons for the decision if the decision is based on an exercise of CSSD discretion as referenced in ARM 37.62.905(1) (b) .
 - (a) Findings of fact must be accompanied by a concise and explicit statement of each of the underlying facts in the record or officially noticed that support those findings.
 - (b) Each conclusion of law must be supported by cited authority or by a reasoned explanation.
 - (c) If a party attempted to or did rebut the applicability of any policy, fact or other material officially noticed under ARM 37.62.929, the order must include appropriate findings and conclusions.
 - (d) If the admissibility of an exhibit or other evidence was not ruled on during the hearing as provided by ARM 37.62.927, the order must contain a ruling on the evidence and state the reasons why the evidence was accepted or rejected.
 - (e) If a party submitted a motion under ARM 37.62.951, the final order must include a ruling, separately stated, on each issue raised, each finding of fact or ruling of law requested, each policy consideration raised or contested, and any other matter permitted by ARM 37.62.951 as a ground for revising a proposed order.

Authorizing statute(s): 17-4-105, 40-5-202, 40-5-262, 40-5-272, 40-5-273, 40-5-405, 40-5-713, 40-5-825, 40-5-906, MCA

Implementing statute(s): 17-4-105, 40-5-157, 40-5-202, 40-5-208, 40-5-226, 40-5-233, 40-5-261, 40-5-271, 40-5-273, 40-5-414, 40-5-431, 40-5-703, 40-5-710, 40-5-821, 40-5-822, 40-5-823, 40-5-824, 40-5-906, MCA

History: NEW, 2000 MAR p. 3547, Eff. 12/22/00; AMD, 2020 MAR p. 966, Eff. 5/30/20.