

AN ORDER OF THE COMMISSION MAY NOT BE STAYED PENDING REVIEW.

(D) RIGHT OF COMMISSION TO APPEAL.

THE COMMISSION MAY APPEAL FROM ANY DECISION THAT REVERSES OR MODIFIES ITS ORDER.

REVISOR'S NOTE: Subsections (a) and (b) of this section, which are substituted for the first two sentences of Art. 43, § 130(p), are standard language used throughout this article to provide for administrative and judicial review. The new language is based on the combined requirements of the Administrative Procedure Act and of the provisions regarding the Board of Review.

Subsection (c) of this section is new language derived without substantive change from the second sentence of Art. 43, § 130(m). The present exception as to decisions made before July 1, 1974 is deleted as obsolete.

Subsection (d) of this section is new language derived without substantive change from the last sentence of present Art. 43, § 130(p).

The introductory language of subsection (a) and the introductory phrase of subsection (b)(1) of this section conform to the Administrative Procedure Act, which provides a right of judicial review of any "final decision" of an agency in a "contested case". A situation is a contested case if a party has a right to a hearing (see the Administrative Procedure Act definition of "contested case" in Art. 41, § 244 of the Code).

As to the application of subsections (a) and (b) of this section, the Board of Review has general jurisdiction over final decisions of the Commission under this subtitle. Therefore, for some actions, a decision of the Board of Review is a prerequisite to judicial review. Subsection (a) of this section reflects that general procedure. The Board of Review, however, does not have jurisdiction over any disciplinary action taken by the Commission. Consequently, subsection (b) of this section expressly provides for direct judicial review for persons aggrieved under § 14-504 of this subtitle.

The new language substituted in subsections (a) and (b) of this section better coordinates the combined requirements of the Administrative Procedure Act and the laws regarding the Board of Review. These provisions apply in any event. No substantive change is intended.