

A CONTESTED CASE HEARING IF THE ADMINISTRATIVE LAW JUDGE DETERMINES THAT THE PERSON MAKING THE REQUEST HAS FAILED TO MAKE THE DEMONSTRATION REQUIRED BY § 1-605 OF THIS SUBTITLE, INCLUDING THE FAILURE TO MAKE FACTUAL ALLEGATIONS WITH SUFFICIENT PARTICULARITY TO DEMONSTRATE THAT THE PERSON IS AGGRIEVED BY THE FINAL DETERMINATION.

(D) (1) ANY PARTY TO A CONTESTED CASE HEARING, INCLUDING THE DEPARTMENT, MAY FILE AT ANY TIME A MOTION FOR A SUMMARY DECISION ON ALL OR PART OF AN ACTION ON THE GROUND THAT THERE IS NO GENUINE DISPUTE AS TO ANY MATERIAL FACT AND THAT THE PARTY IS ENTITLED TO A DECISION AS A MATTER OF LAW.

(2) THE MOTION, ANY RESPONSE AND THE DECISION OF THE ADMINISTRATIVE LAW JUDGE OR OTHER OFFICIAL CONDUCTING THE HEARING SHALL COMPLY WITH THE REQUIREMENTS OF MARYLAND RULE OF CIVIL PROCEDURE 2-501.

(E) (1) WHEN A SUMMARY DISPOSITION UNDER ANY OF THE PROVISIONS OF THIS SECTION DOES NOT DISPOSE OF THE ENTIRE ACTION AND A CONTESTED CASE HEARING IS NECESSARY, THE DEPARTMENT OFFICIAL OR ADMINISTRATIVE LAW JUDGE ISSUING THE SUMMARY DISPOSITION, ON THE BASIS OF THE REQUEST AND ANY OTHER PLEADINGS AND, IF NECESSARY, AFTER INTERROGATING COUNSEL ON THE RECORD, MAY ENTER AN ORDER SPECIFYING THE ISSUES OR FACTS THAT ARE NOT IN GENUINE DISPUTE.

(2) THE ORDER CONTROLS THE SUBSEQUENT COURSE OF THE ACTION BUT MAY BE MODIFIED BY THE DEPARTMENT OFFICIAL OR THE ADMINISTRATIVE LAW JUDGE TO PREVENT MANIFEST INJUSTICE.

(F) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, AN ORDER OR OTHER FORM OF SUMMARY DISPOSITION UNDER THIS SECTION, HOWEVER DESIGNATED, THAT ADJUDICATES FEWER THAN ALL OF THE ISSUES IN AN ACTION, OR THAT ADJUDICATES ISSUES CONCERNING FEWER THAN ALL OF THE PARTIES TO THE ACTION:

(1) IS NOT A FINAL DECISION OF THE DEPARTMENT OR THE ADMINISTRATIVE LAW JUDGE;

(2) DOES NOT TERMINATE THE ACTION AS TO ANY ISSUES OR ANY OF THE PARTIES; AND

(3) IS SUBJECT TO REVISION AT ANY TIME BEFORE THE ENTRY OF A FINAL DECISION BY THE DEPARTMENT THAT ADJUDICATES ALL OF THE ISSUES RAISED BY OR AGAINST ALL OF THE PARTIES.

(G) (1) IF THE OFFICIAL MAKING A SUMMARY DISPOSITION UNDER THIS SECTION DETERMINES IN A WRITTEN ORDER THAT THERE IS NO JUST REASON FOR DELAY, HE MAY DIRECT IN THE ORDER THE ENTRY OF A DECISION AS TO ONE OR MORE BUT FEWER THAN ALL OF THE ISSUES OR PARTIES.