

(2) AN APPEAL SHALL STATE, TO THE EXTENT POSSIBLE, THE ISSUES OF FACT AND LAW THAT ARE THE BASIS FOR THE APPEAL.

(B) WITHIN 30 DAYS AFTER RECEIVING AN APPEAL, THE SECRETARY OR DESIGNEE SHALL:

(1) (I) MEDIATE A SETTLEMENT BETWEEN THE EMPLOYEE AND THE UNIT; OR

(II) ~~UPHOLD THE UNIT'S DECISION AND REFER THE APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR A HEARING;~~ AND

(2) ADVISE THE EMPLOYEE IN WRITING OF THE SECRETARY'S ACTION.

(C) (1) WITHIN 30 DAYS AFTER RECEIVING THE APPEAL, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL SCHEDULE A HEARING AND NOTIFY THE PARTIES OF THE HEARING DATE.

(2) THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL DISPOSE OF THE APPEAL OR CONDUCT A HEARING ON EACH APPEAL IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE. THE OFFICE IS BOUND BY ANY REGULATION, DECLARATORY RULING, PRIOR ADJUDICATION, OR OTHER SETTLED, PREEXISTING POLICY, TO THE SAME EXTENT AS THE DEPARTMENT IS OR WOULD HAVE BEEN BOUND IF IT WERE HEARING THE CASE.

(D) (1) EXCEPT AS OTHERWISE PROVIDED BY THIS SUBTITLE, THE OFFICE OF ADMINISTRATIVE HEARINGS MAY:

(I) UPHOLD THE DISCIPLINARY ACTION;

(II) RESCIND OR MODIFY THE DISCIPLINARY ACTION TAKEN AND RESTORE TO THE EMPLOYEE ANY LOST TIME, COMPENSATION, STATUS, OR BENEFITS; OR

(III) ORDER:

1. REINSTATEMENT TO THE POSITION THAT THE EMPLOYEE HELD AT DISMISSAL ~~OR, IF THAT IS IMPRACTICAL, TO A COMPARABLE POSITION WITHIN THE UNIT;~~

2. FULL BACK PAY, ~~WITH A DEDUCTION FOR INTERIM EARNINGS FROM EMPLOYMENT ELSEWHERE OR AMOUNTS EARNABLE WITH REASONABLE DILIGENCE;~~ OR

3. BOTH 1 AND 2.

(2) WITHIN 45 DAYS AFTER THE CLOSE OF THE HEARING RECORD, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ISSUE TO THE PARTIES A WRITTEN DECISION.

(3) THE DECISION OF THE OFFICE OF ADMINISTRATIVE HEARINGS IS FINAL THE FINAL ADMINISTRATIVE DECISION.