

If the Board members are unable to decide the claim upon the basis of the [said] papers and report, they shall order a hearing. At the hearing any relevant evidence, not legally privileged, shall be admissible.

(e) After examining the papers filed in support of the claim and the report of investigation, and after a hearing, if any, the Board members to whom the claim was assigned shall make a decision either granting an award [pursuant to § 12 of this article] UNDER § 825 OF THIS SUBHEADING or deny the claim.

(f) The Board members making a decision shall file with the Secretary a written report setting forth the decision and the reasons [therefor] IN SUPPORT OF THE DECISION. After reviewing the records, the Secretary shall modify, affirm, or reverse the decision of the Board members. The action of the Secretary in affirming, modifying, or reversing the decision of the Board members shall be final. The claimant shall be furnished with a copy of the final report upon request.

DRAFTER'S NOTE: This section is transferred from Art. 26A, § 8 of the Code.

The only changes are in style.

823. JUDICIAL REVIEW OF DECISION.

Within 30 days of the final decision any claimant aggrieved by the final decision may appeal the decision under the applicable provisions of the Administrative Procedure Act, §§ 10-222 and 10-223 of the State Government Article [of the Code].

DRAFTER'S NOTE: This section is transferred from Art. 26A, § 10 of the Code.

The only change is in style.

824. EMERGENCY AWARDS.

(A) Notwithstanding the provisions of [§§ 6 and 8 of this article] §§ 820 AND 822 OF THIS SUBHEADING, THE BOARD MEMBERS MAY MAKE AN EMERGENCY AWARD TO THE CLAIMANT PENDING A FINAL DECISION IN THE CASE, if it appears to the Board members to whom a claim is assigned, prior to taking action upon the claim, that [(a) the]:

(1) THE claim is one with respect to which an award probably will be made[, and (b) undue]; AND

(2) UNDUE hardship will result to the claimant if immediate payment is not made[, the Board members may make an emergency award to the claimant pending a final decision in the case].

(B) (1) [However, (1) the] THE amount of the emergency award [shall] MAY not exceed \$1,000[, (2) the].

(2) THE amount of the emergency award shall be deducted from any final award made to the claimant[, and (3) the].

(3) THE excess of the amount of the emergency award over the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the Board.