

In subsection (a)(2) of this section, the reference to conclusions "of law" is added for consistency with other provisions of the Code concerning decisions by the Office of Administrative Hearings. See, e.g., SG §§ 10-220 and 10-221.

In subsection (b)(1) and (2) of this section, the former phrase "after the hearing" is deleted as redundant in light of the requirement in subsection (a)(1) of this section that the Office of Administrative Hearings issue its decision "[p]romptly after the hearing".

In subsections (b)(2) and (c)(1) of this section, the reference to a "proposed" order is added for clarity and consistency with other provisions of the Code concerning decisions by the Office of Administrative Hearings. See, e.g., SG § 10-220.

In subsection (c)(1) of this section, the former phrase "where he disagrees with the findings and conclusions of the Office of Administrative Hearings" is deleted as implicit in a decision to reverse or modify the order of the Office of Administrative Hearings.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (c)(1) of this section lacks explicit authority to "remand". The Secretary does, in practice, remand certain cases under the other authority implicit in subsection (c)(1). The General Assembly may wish to add explicit authority to "remand".

The Correctional Services Article Review Committee further notes that subsection (c)(3)(ii) of this section makes the Secretary's order "the final decision for purposes of judicial review". The General Assembly may wish to create an exception for an order that remands a case.

In subsection (c)(2) of this section, the former reference to an official "of the institution in question" is deleted as implicit in the reference to the "appropriate" official.

Defined term: "Secretary" § 1-101

#### 10-210. JUDICIAL REVIEW.

##### (A) EXHAUSTION OF REMEDIES.

A COURT MAY NOT CONSIDER AN INDIVIDUAL'S GRIEVANCE THAT IS WITHIN THE JURISDICTION OF THE OFFICE OR THE OFFICE OF ADMINISTRATIVE HEARINGS UNLESS THE INDIVIDUAL HAS EXHAUSTED THE REMEDIES PROVIDED IN THIS SUBTITLE.

##### (B) CIRCUIT COURT REVIEW.

(1) THE COMPLAINANT IS ENTITLED TO JUDICIAL REVIEW OF THE FINAL DECISION OF THE SECRETARY UNDER § 10-207(B)(2)(II) OR § 10-209(B)(1)(II) OR (C)(3)(II) OF THIS SUBTITLE.