

(1) IF THE HEARING EXAMINER DOES NOT AFFIRM THE DETERMINATION OR REDETERMINATION OF A CLAIM, THE BOARD OF APPEALS SHALL ALLOW AN APPEAL BY A PARTY ENTITLED TO NOTICE OF THE DECISION; AND

(2) IF THE HEARING EXAMINER AFFIRMS THE DETERMINATION OR REDETERMINATION OF A CLAIM, THE BOARD OF APPEALS MAY ALLOW AN APPEAL BY A PARTY ENTITLED TO NOTICE OF THE DECISION.

(C) REVIEW ON MOTION OF BOARD OF APPEALS.

WITHIN THE TIME LIMIT FOR FILING AN APPEAL UNDER SUBSECTION (A) OF THIS SECTION, ON ITS OWN MOTION THE BOARD OF APPEALS MAY INITIATE A REVIEW OF THE DECISION OF A HEARING EXAMINER.

(D) SCOPE OF REVIEW.

ON REVIEW ON ITS OWN MOTION OR ON APPEAL, THE BOARD OF APPEALS MAY AFFIRM, MODIFY, OR REVERSE THE FINDINGS OF FACT OR CONCLUSIONS OF LAW OF THE HEARING EXAMINER ON THE BASIS OF:

- (1) EVIDENCE SUBMITTED TO THE HEARING EXAMINER; OR
- (2) EVIDENCE THAT THE BOARD OF APPEALS MAY DIRECT TO BE TAKEN.

(E) QUORUM REQUIRED.

A PROCEEDING REMOVED OR APPEALED TO THE BOARD OF APPEALS SHALL BE HEARD BY A QUORUM.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 95A, § 11(a)(1) and the first, second, third, fifth and sixth sentences of § 7(f).

Defined terms: "Board of Appeals" § 8-101

"Contributions" § 8-101 "Employing unit" § 8-101

"Employer" § 8-101 "Secretary" § 8-101

8-511. FINALITY OF DECISION.

(A) IN GENERAL.

A DECISION OF THE BOARD OF APPEALS IS FINAL SUBJECT TO JUDICIAL REVIEW UNDER § 8-512 OF THIS SUBTITLE.

(B) DECISIONS ON BENEFITS.

A DECISION OF THE BOARD OF APPEALS UNDER § 8-806(H) OF THIS TITLE IS FINAL WITHIN 10 DAYS AFTER MAILING OR OTHER DELIVERY OF THE NOTICE OF THE DECISION.