

(1) WHEN A PARTY FILES AN APPEAL OF A DECISION UNDER SUBSECTION (G) OF THIS SECTION:

(I) IF THE HEARING EXAMINER DID NOT AFFIRM THE DETERMINATION OR REDETERMINATION OF THE CLAIM, THE BOARD OF APPEALS SHALL ALLOW THE APPEAL; AND

(II) IF THE HEARING EXAMINER AFFIRMED THE DETERMINATION OR REDETERMINATION, THE BOARD OF APPEALS MAY ALLOW THE APPEAL.

(2) ON THE FILING OF AN APPEAL OR ON ITS OWN MOTION, THE BOARD OF APPEALS MAY AFFIRM, MODIFY, OR REVERSE THE FINDINGS AND CONCLUSIONS OF A HEARING EXAMINER ON THE BASIS OF EVIDENCE THAT WAS SUBMITTED PREVIOUSLY IN THE CASE OR THAT THE BOARD OF APPEALS DIRECTS TO BE TAKEN.

(3) THE BOARD OF APPEALS PROMPTLY SHALL MAIL NOTICE OF ITS DECISION, INCLUDING ITS FINDINGS AND CONCLUSIONS, TO THE LAST KNOWN ADDRESS OF EACH PARTY OR OTHERWISE DELIVER THE NOTICE. THE DECISION IS FINAL SUBJECT TO JUDICIAL REVIEW AFTER 10 DAYS AFTER THE MAILING OR OTHER DELIVERY.

(4) IF THE BOARD OF APPEALS DOES NOT ALLOW AN APPEAL OF A DECISION OF A HEARING EXAMINER:

(I) THE DECISION OF THE HEARING EXAMINER IS CONSIDERED TO BE A DECISION OF THE BOARD OF APPEALS;

(II) THE DECISION IS SUBJECT TO JUDICIAL REVIEW WITHIN THE TIME AND IN THE MANNER PROVIDED FOR A FINAL DECISION OF THE BOARD OF APPEALS; AND

(III) THE TIME FOR APPEAL BEGINS ON THE DATE OF THE NOTICE OF THE ORDER OF DENIAL OF THE APPLICATION FOR APPEAL TO THE BOARD OF APPEALS.

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

In subsection (a)(1) and (2) of this section, the reference to a "claims" examiner is added for clarity.

The introductory language of subsection (c)(1) of this section is revised to state expressly that which only was implied in the former law — i.e., a determination shall be in writing.