

9-744. ATTORNEY GENERAL — REPRESENTATION OF COMMISSION.

(A) LEGAL ADVISOR.

THE ATTORNEY GENERAL IS THE LEGAL ADVISER OF THE COMMISSION.

(B) REPRESENTATION.

WHEN REQUESTED BY ANY COMMISSIONER, THE ATTORNEY GENERAL SHALL REPRESENT THE COMMISSION IN ANY PROCEEDING.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 101, § 56(c).

9-745. CONDUCT OF APPEAL PROCEEDINGS.

(A) IN GENERAL.

THE PROCEEDINGS IN AN APPEAL SHALL:

- (1) BE INFORMAL AND SUMMARY; AND
- (2) PROVIDE EACH PARTY A FULL OPPORTUNITY TO BE HEARD.

(B) PRESUMPTION AND BURDEN OF PROOF.

IN EACH COURT PROCEEDING UNDER THIS TITLE:

(1) THE DECISION OF THE COMMISSION IS PRESUMED TO BE PRIMA FACIE CORRECT; AND

(2) THE PARTY CHALLENGING THE DECISION HAS THE BURDEN OF PROOF.

(C) DETERMINATION BY COURT.

THE COURT SHALL DETERMINE WHETHER THE COMMISSION:

(1) JUSTLY CONSIDERED ALL OF THE FACTS ABOUT THE ACCIDENTAL INJURY, OCCUPATIONAL DISEASE, OR COMPENSABLE HERNIA;

(2) EXCEEDED THE POWERS GRANTED TO IT UNDER THIS TITLE; OR

(3) MISCONSTRUED THE LAW AND FACTS APPLICABLE IN THE CASE DECIDED.

(D) REQUEST FOR JURY TRIAL.

ON A MOTION OF ANY PARTY FILED WITH THE CLERK OF THE COURT IN ACCORDANCE WITH THE PRACTICE IN CIVIL CASES, THE COURT SHALL SUBMIT TO A JURY ANY QUESTION OF FACT INVOLVED IN THE CASE.