

(ii) on receipt of the notice, the Secretary and employer shall be parties to the proceeding and be given reasonable opportunity to offer evidence on that issue.

(5) The hearing examiner promptly shall mail to each party at the last known address of the party or otherwise deliver to the party:

(i) notice of the decision of the hearing examiner; and

(ii) a copy of the decision and the findings of fact and conclusions of law that support the decision.

(6) A decision under this subsection is final unless within 15 days after the mailing or other delivery of notice of the decision, further review is initiated under subsection (h) of this section.

(h) (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