

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

WORKERS' COMPENSATION BOARD OF MAGISTRATES

GENERAL RULES

Filed with the Secretary of State on April 21, 2010

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a (6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of energy, labor, and economic growth by section 213 of 1969 PA 317, and Executive Reorganization Orders No.1996-2, 2002-1, and 2003-1, MCL 418.213, MCL 445.2001, MCL 445.2004, MCL 445.2011 of the Michigan Compiled Laws)

R 418.55 of the Michigan Administrative Code is amended as follows:

R 418.55 Admission of records, reports, memorandum, and data compilation.

Rule 5. (1) Not less than 42 days before a hearing, the party intending to introduce a record, memorandum, report, or data compilation shall furnish copies and a notice of intent to all parties, for which a proof of service shall be completed and retained by the noticing party.

(2) Any party objecting to an exhibit under this rule shall provide written objection to all parties not less than 21 days before the hearing, for which a proof of service shall be completed and retained by the objecting party. An objecting party may schedule cross-examination in response to the record, memorandum, report, or data compilation sought to be admitted under this rule.

(3) This rule shall not affect the magistrate's discretion to rule on newly discovered evidence.

(4) The notice of intent, objection, and proof of service shall not be sent to the agency. Only those records admitted into evidence by a magistrate shall be placed in the agency file or maintained by the agency.