



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

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October 23, 2012

Abigail Hammond
Industrial Commission
4336 Mail Service Center
Raleigh, NC 27699-4336

Re: 04 NCAC 10E .0101, .0301, .0302

Dear Ms. Hammond:

At its October 18, 2012 meeting the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to Rule .0101 due to lack of statutory authority. There is no authority cited for the Chair to independently decide whether to grant or deny a petition for rulemaking. G.S. 150B-20 gives that responsibility to the agency, the full Commission. There is no authority cited for the agency to delegate that responsibility to a single member.

The Commission objected to Rule .0301 due to lack of statutory authority. "In the interests of justice or to promote judicial economy" is not sufficient specific guideline for the agency to use in determining whether to waive or modify a requirement set by rule as required by G.S. 150B-19(6).

The Commission objected to Rule .0302 due to lack of statutory authority. There is no authority cited for the agency to impose sanctions for violations of every rule in this Subchapter.

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Judges and
Assistants
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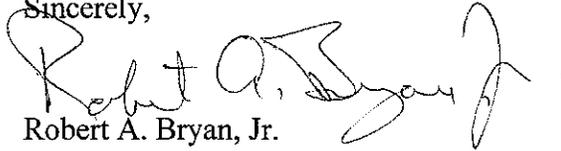
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919/431-3036
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Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Bryan, Jr.", written in a cursive style.

Robert A. Bryan, Jr.
Commission Counsel

RAB:tdc