



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 10H .0201, .0202, .0206, .0207

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 .0201 due to ambiguity. In (b), it is not clear if the standard here also applies in Rule .0202(b).

The Commission objected to Rule .0202 due to ambiguity. In (b), it is not clear what factors or standards the Commission will use in ordering a hearing or rehearing. It is also not clear if the Commission will use a different standard than that set out in .0201(b).

The Commission objected to Rule .0206 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 .0207 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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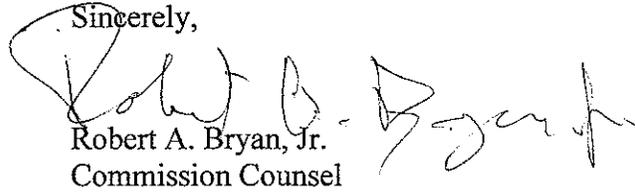
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Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

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