

Edited Content Extracted from: section 506-510.docx

PART V. HEARING AND APPEAL CONTINUED

Section 506. Records and Findings of Fact

The record in an appeal to the Board may include:

- * All pleadings, motions, and interim rulings;
- * Evidence received or considered;
- * A statement of matters officially noticed;
- * Questions and offers of proof, objections, and rulings thereon;
- * Proposed findings and exceptions;
- * Any decision, opinion, or report by the officer presiding at the hearings;
- * All staff memoranda or data submitted to the officer presiding at the hearing or to members of the agency in connection with their consideration of the case.

Oral proceedings in appeals to the Board shall be recorded, and any part thereof shall be transcribed on request of any party at the party's expense. Findings of fact in appeals to the Board shall be based exclusively on the evidence and on matters officially noted.

[Source: 41 PNC § 711, § 712(d), & SSA By-Laws; 6 PNC]

Section 507. Rules of Evidence in Appeals

The following procedures concerning evidence shall be observed in appeals to the Board:

- * (a) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The Courts of Republic of Palau Rules of Evidence shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. The Board shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the evidence may be received in written form. All testimony of parties and witnesses must be made under oath or affirmation;
- * (b) Documentary evidence may be received in the form of copies of excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original;
- * (c) A party may conduct cross-examinations required for a full and true disclosure of the facts; and
- * (d) Notice may be taken of judicially recognized technical or scientific facts within the Administration's or Board's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Administration's or Board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

[Source: 41 PNC § 711, § 712(d), & SSA By-Laws; 6 PNC]

Section 508. Final Decisions and Orders

A final decision, or order adverse to a party in an appeal to the Board, shall be in writing or stated in the Board's record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. A copy of the decision or order shall be delivered or mailed forthwith to each party and to his or her attorney of record.

[Source: 41 PNC § 711, § 712(d), & SSA By-Laws; 6 PNC]

Section 509. Ex Parte Consultations

Unless required for the deposition of ex parte matters authorized by law, Board members assigned to render a decision or to make findings of fact and conclusions of law in an appeal to the Board shall not communicate, directly or indirectly, in connection with any issue of law, with any party or his or her representatives; except upon notice and opportunity for all parties to participate. Board members may: (1) communicate with other members of the Board; and (2) have the aid and advice of one or more personal assistants.

[Source: 41 PNC § 711, § 712(d), & SSA By-Laws; 6 PNC]

Section 510. Review of Board Final Decision or Order

Any person, aggrieved by a final decision, order, or determination rendered by the Board after hearing may obtain a review of the decision in the Supreme Court of the Republic of Palau by filing with the Clerk of Courts, within sixty (60) days after receiving notice of the decision, a written petition praying that the decision be modified or set aside in whole or in part. A copy of the petition shall be served on the Board. The Board shall certify and file with the Clerk of Courts a copy of the record on which the order was based. The findings of the Board as to all material facts, if supported by competent material and substantial evidence, are final.

[Source: 41 PNC § 717]