

Cherokee Nation Code Annotated
Title 1: Administrative Procedure
Chapter 4: Adjudication
§ 406. Informal adjudication procedure
Cite as: 1 CNCA § 406

A. Except as otherwise provided in subsection (B), the adjudication procedures required under 1 CNCA § 403 in a disputed case apply to an informal adjudication.

B. In an informal adjudication, the presiding officer shall regulate the course of the proceeding. The presiding officer shall permit the parties and their representatives, and may permit others, to offer written or oral comments on the issues. The presiding officer may limit the use of witnesses, testimony, evidence, and argument and may limit or eliminate the use of pleadings, intervention, discovery, pre-hearing conferences, and rebuttal. Where appropriate in the discretion of the presiding officer, an informal adjudication may be in the nature of a conference.

C. In regulating the course of the informal adjudication proceedings, the presiding officer shall recognize the rights of the parties:

1. to notice that includes the decision to proceed by informal adjudication;
2. to protest the choice of informal procedure, and that protest must be promptly decided by the presiding officer;
3. to participate in person or by a representative;
4. to have notice of any contrary factual material in the possession of the agency that can be relied on as the basis for adverse decision; and
5. to be informed briefly in writing, of the basis for adverse decision in the case.

D. The agency record for review of informal adjudication consists of the official transcript of oral testimony and any records that were considered, prepared by, or submitted to, the presiding officer for use in the informal adjudication or by or to the agency on review. The agency shall maintain these records as its record of the informal adjudication.

Historical Data

LA 13-07, eff. March 19, 2007.