

Cherokee Nation Code Annotated

Title 1: Administrative Procedure

Chapter 4: Adjudication

§ 415. Orders—Initial and final

Cite as: 1 CNCA § 415

- A. If the presiding officer is the agency head, the presiding officer shall render a final order.
- B. If the presiding officer is not the agency head, the presiding officer shall render an initial order, which becomes a final order in thirty (30) days, unless reviewed within the thirty (30) days by the agency head on its own motion or on petition of a party.
- C. Unless the time is extended by stipulation, waiver, or upon a showing of good cause, an initial or final order must be served in a record within ninety (90) days after conclusion of the hearing or after submission of memos, briefs, or proposed findings, whichever is later.
- D. An initial or final order must include, separately stated, findings of fact and conclusions of law on all material issues of fact, law, or discretion; on the remedy prescribed, and, if applicable, the action taken on a petition for stay of effectiveness. If a party has submitted proposed findings of fact, the order must include a ruling on the proposed findings. The order must also include a statement of the available procedures and time limits for seeking reconsideration or other administrative or judicial relief. An initial order must include a statement of any circumstances under which the initial order, without further notice, may become a final order.
- E. Findings of fact must be based exclusively upon the evidence of record in the disputed case and on matters judicially noticed.
- F. A presiding officer shall cause copies of the initial or final order to be delivered to each party and to the agency head within the time limits set in subsection (C).

Historical Data

LA 13–07, eff. March 19, 2007.