

Cherokee Nation Code Annotated

Title 1: Administrative Procedure

Chapter 4: Adjudication

§ 417. Reconsideration

Cite as: 1 CNCA § 417

A. Any party, within 15 days after notice of an initial or final order is rendered, may file a petition for reconsideration that states the specific grounds upon which relief is requested. The place of filing and other procedures, if any, shall be specified by agency rule.

B. Filing a petition for reconsideration is not a prerequisite for seeking administrative or judicial review.

C. No petition for reconsideration may stay the effectiveness of an order.

D. If a petition for reconsideration is timely filed, and the petitioner has complied with the agency's procedural rules for reconsideration, if any, the time for filing a petition for judicial review does not commence until the agency disposes of the petition for reconsideration as provided in 1 CNCA § 504(D).

E. If a petition is filed under subsection (A), the presiding officer shall render a written order within 20 days denying the petition, granting the petition and dissolving or modifying the initial or final order, or granting the petition and setting the matter for further proceedings. The petition may be granted only if the presiding officer states findings of facts, conclusions of law, and the reasons for granting the petition.

Historical Data

LA 13–07, eff. March 19, 2007.