

**5000.0570 REOPENING CERTAIN CASES.**

Subpart 1. **Request.** A charging party may request that proceedings terminated according to part 5000.0400, subpart 6, 5000.0520, 5000.0530, or 5000.0540 be reopened. The request must be in writing and must state a substantive reason for reopening. No case shall be reopened pursuant to this rule more than 60 days after notice that the proceedings have been terminated was served by the commissioner.

Subp. 2. **Respondent; notice to; information from.** The commissioner shall within ten days notify the respondent by certified mail of the request. The respondent has ten days from the receipt of the notice to provide the commissioner with pertinent information in writing on reopening the proceedings.

Subp. 3. **Considerations.** In deciding whether to reopen proceedings, the commissioner shall consider whether:

- A. the order of dismissal was affected by fraud, mistake, or misconception of fact;
- B. the commissioner was less than reasonably diligent in trying to locate the charging party or in obtaining information from the charging party;
- C. reopening would result in undue prejudice to the respondent; or
- D. justice requires that the matter be reopened.

Subp. 4. **Reopening without request.** After determining that the department clearly erred in closing a proceeding, the commissioner shall reopen the proceedings without a request. The department shall provide notice of its intent to reopen to the charging party and respondent and allow ten days for the respondent to reply.

Subp. 5. **Notice of decision.** The commissioner shall, within 20 days of the respondent's receipt of notice, notify the parties in writing of the decision.

**Statutory Authority:** *MS s 363.05; 363A.06*

**History:** *11 SR 740*

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