

5210.0595 HEARING.

Subpart 1. **Notice of hearing and order.** When the matter is scheduled for hearing before an administrative law judge, the commissioner shall serve on all parties, and the employer if the employer is not a party, a written notice and order of hearing under part 1400.5600, and all further proceedings must be conducted under chapter 1400 and Minnesota Statutes, chapter 14.

Subp. 2. **Notice of hearing.**

A. A copy of the notice of hearing to be held before an administrative law judge must be posted by the employer within five days of receipt in the same place where the citation and notification of penalty is required to be posted. The notice of hearing must remain posted until the date of the hearing or earlier final disposition of the contest.

B. If there are any affected employees who are represented by an authorized employee representative, the employer shall, within five days of receipt, serve a copy of the notice of hearing on the representative.

C. Certification of the service and posting required by this subpart must be filed with the commissioner and served on the administrative law judge within five days of receipt of the notice of hearing. If the employer fails to certify service and posting, the administrative law judge may, on a motion by one of the parties or on the judge's own motion, render a default judgment in favor of the commissioner.

Statutory Authority: *MS s 182.657*

History: *20 SR 2428*

Published Electronically: *June 11, 2008*