

5500.2800 RECONSIDERATION OF THE AWARD.

Any party to an arbitration proceeding may request a reconsideration of the award made by the board therein upon any or all of the following grounds: that there is material evidence, newly discovered, which with reasonable diligence could not have been found and produced at the prior hearings; that the award is not justified by the evidence or is contrary to law; that any adverse party has been guilty of misconduct which materially affected the result. Such request shall be in writing and shall set forth the facts constituting grounds upon which it is based. Copies of such request shall be served upon all other parties to the proceedings, upon the chair of the board, and upon the commissioner. The board may then proceed to consider the request, if it deems the grounds stated sufficient, or may reject the same if it deems the grounds insufficient. If the board determines to consider the request, it shall order a preliminary hearing thereon, notice of which shall be given as provided for the first hearing upon an arbitration agreement. After such hearing, the board shall make its order granting or denying the request. If the request is granted, the board shall proceed to reconsider the award and shall fix a time and place for the hearing thereon, of which notice shall be given as for the first hearing. The board may by order limit the matters upon which it will receive new or additional evidence. Thereupon further proceedings shall be had as upon the original arbitration agreement. At the conclusion thereof the board shall affirm the award or shall make and file amended award which shall supersede the original award.

Statutory Authority: *MS s 179A.04*

History: *L 1987 c 186 s 15; 17 SR 1279*

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