

**5510.5290 RECONSIDERING AWARD.****Subpart 1. Requesting reconsideration.**

A. A party may request the panel to reconsider the award on any or all of the following grounds:

(1) there is newly discovered material evidence that with reasonable diligence could not have been found and produced at the hearing;

(2) the award is not justified by the evidence or is contrary to law; or

(3) an adverse party has been guilty of misconduct that materially affected the result.

B. A request under item A must be in writing and set forth the facts upon which the request is based. Within ten calendar days after the award is filed under part 5510.5280, subpart 2, a copy of the request must be served on all other parties, the panel chair, and the commissioner.

**Subp. 2. Determining request.**

A. The panel must:

(1) consider the request under subpart 1 if the panel deems the grounds stated sufficient according to subpart 1, item A; or

(2) reject the request if the panel deems the grounds insufficient according to subpart 1, item A.

B. After considering a request according to item A, the panel must make its order granting or denying the request. If granting the request, the panel must reconsider the award and:

(1) if the parties agree, receive briefs according to part 5510.5260; or

(2) fix a time and place for a hearing and give notice according to part 5510.5230, subpart 1, item A.

C. The panel may by order limit the matters upon which it will receive new or additional evidence and must conduct the hearing, if held, according to parts 5510.5240 to 5510.5260.

D. After briefs are submitted under item B or C, the panel must:

(1) affirm the original award filed under part 5510.5280, subpart 2; or

(2) make and simultaneously file with the parties and the commissioner an amended award according to part 5510.5280, subpart 2, that supersedes the original award.

**Statutory Authority:** *MS s 179.02; 179.71; 179.82; 179A.04; 179A.16; 626.892*

**History:** *L 1987 c 186 s 15; 17 SR 1279; 46 SR 1387*

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