

115B.35 DETERMINING CLAIMS.

Subdivision 1. MS 2000 [Repealed, 2002 c 379 art 2 s 24]

Subd. 2. **Treatment of protected information.** In making a final decision under this section, the agency shall examine protected information outside of the presence of the claimant, the claimant's attorney, or any other person except agency staff. The agency, the agency's staff, and any other person who obtains access to protected information under this section may not reveal protected information to any person except as provided in this section.

Subd. 3. **Evidence admissible in claim proceedings.** In the determination of a claim, the agency may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. The agency shall give effect to the rules of privilege recognized by law. The agency may exclude incompetent, irrelevant, immaterial, and repetitious evidence.

Subd. 4. **Preliminary decision.** The agency shall review all materials filed in support of the claim and may cause an investigation to be conducted into the validity of the claim. The agency may make a preliminary decision on the basis of the papers filed in support of the claim and the report of any investigation of it. The decision must be in writing and include the reasons for the decision, subject to the limitations on disclosure of protected information.

Subd. 5. MS 2000 [Repealed, 2002 c 379 art 2 s 24]

Subd. 6. MS 2000 [Repealed, 2002 c 379 art 2 s 24]

Subd. 7. **Record.** Any appearance by a claimant or witnesses must be tape recorded but a formal record pursuant to chapter 14 is not required.

Subd. 8. **Appeal.** A final decision of the agency made under this section is conclusive on all matters decided. There is no right to judicial review of a final decision of the agency.

Subd. 9. **Remedies and penalties.** An agency member, agency staff person, or other person who reveals protected information in violation of this section is subject to the civil remedies contained in section 13.08 and the penalties in section 13.09.

History: *1Sp1985 c 8 s 14; 1986 c 444; 2002 c 379 art 2 s 14-18*