

**RULES
OF
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
ADMINISTRATIVE PROCEDURES DIVISION**

**CHAPTER 0250-5-9
RECONSIDERATION**

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0250-5-9-.01 NOTICE OF RIGHT TO A PETITION FOR RECONSIDERATION AND/OR APPEAL OF THE INITIAL ORDER.

- (1) Written notice of the right to Petition for Reconsideration and/or appeal is to accompany the initial order mailed to the parties. Any party, within fifteen (15) days after entry of an initial order, may file a Petition for Reconsideration with the Administrative Judge/Hearing Officer stating the specific grounds upon which relief is requested. A petition for appeal from an initial order must be filed with the Commissioner or his/her designated representative within fifteen (15) days after entry of an initial order or disposition of the petition for reconsideration. If an initial order is subject to both a timely Petition for Reconsideration and appeal, the petition for reconsideration shall be disposed of first; and a new fifteen (15) day period shall start to run upon disposition of the Petition for Reconsideration.

Authority: T.C.A. §§4-5-315, 4-5-317, 37-5-105, and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.

0250-5-9-.02 NOTICE OF RIGHT TO A PETITION FOR RECONSIDERATION OF A FINAL ORDER.

- (1) Written notice of the right to petition for reconsideration of the final order is to accompany the final order to the parties. Any party who feels aggrieved by a final order, may, within fifteen (15) days following the date of the order, file a written petition for reconsideration which shall specify in detail the reasons for the request.

Authority: T.C.A. §§4-5-314(c), 4-5-317, 37-5-105, and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.

0250-5-9-.03 EFFECT ON THE FINAL ORDER.

- (1) The filing of a petition for reconsideration of the final order shall not supersede or delay the effective date of the final order and said order shall take effect on the date entered by the agency and shall continue in effect until such petition shall be granted or until said order shall be superseded, modified, or set aside in a manner provided by law. However, if a change in circumstances occurs while the reconsideration is pending, action to implement that change will not be delayed pending the decision.

Authority: T.C.A. §§4-5-318, 37-5-105, and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.

0250-5-9-.04 GROUNDS FOR RECONSIDERATION.

- (1) The Administrative Judge/Hearing Officer or the Commissioner or his/her designated representative, who rendered the initial or final order, which is the subject of the petition, shall, within twenty (20)

(Rule 0250-5-9-.04, continued)

days of receiving the petition, enter a written order either denying the petition; granting the petition and setting the matter for further proceedings; or granting the petition and issuing a new initial or final order. If no action has been taken on the petition within twenty (20) days, the petition shall be deemed to have been denied at the expiration of the twenty (20) day period.

- (2) An order granting the petition and setting the matter for further proceedings shall state the extent and scope of the proceedings which shall be limited to argument upon the existing record; and no new evidence shall be introduced, unless the party proposing such evidence shows good cause for his failure to introduce the evidence in the original proceeding.

Authority: T.C.A. §§4-5-317, 37-5-105, and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.