

Department of Veterans Affairs

Pt. 18b

investigations, audits, reviews and evaluations or the results of attempts to secure voluntary compliance.

[35 FR 10759, July 2, 1970, as amended at 51 FR 10386, Mar. 26, 1986]

§ 18a.5 Delegation to the General Counsel.

The General Counsel is delegated the responsibility, upon receipt of information from the Under Secretary for Benefits, the Chief Medical Director, or the designee of either of them, that compliance cannot be secured by voluntary means, of forwarding to the recipient or other person the notice required by § 18.9(a) of this chapter, and also is delegated the responsibility of representing the agency in all proceedings resulting from such notice.

[35 FR 10759, July 2, 1970]

PART 18b—PRACTICE AND PROCEDURE UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND PART 18 OF THIS CHAPTER

GENERAL RULES

Sec.

- 18b.1 Scope of rules.
- 18b.2 Reviewing authority.
- 18b.9 Definitions.
- 18b.10 Records to be public.
- 18b.11 Use of number.
- 18b.12 Suspension of rules.

APPEARANCE AND PRACTICE

- 18b.13 Appearance.
- 18b.14 Authority for representation.
- 18b.15 Exclusion from hearing for misconduct.

PARTIES

- 18b.16 Parties.
- 18b.17 Amici curiae.
- 18b.18 Complainants not parties.

DOCUMENTS

- 18b.20 Form of documents to be filed.
- 18b.21 Signature of documents.
- 18b.22 Filing and service.
- 18b.23 Service; how made.
- 18b.24 Date of service.
- 18b.25 Certificate of service.

TIME

- 18b.26 Computation.
- 18b.27 Extension of time or postponement.
- 18b.28 Reduction of time to file documents.

PROCEEDINGS BEFORE HEARING

- 18b.30 Notice of hearing or opportunity for hearing.
- 18b.31 Answer to notice.
- 18b.32 Amendment of notice or answer.
- 18b.33 Request for hearing.
- 18b.34 Consolidation.
- 18b.35 Motions.
- 18b.36 Responses to motions and petitions.
- 18b.37 Disposition of motions and petitions.

RESPONSIBILITIES AND DUTIES OF PRESIDING OFFICER

- 18b.40 Who presides.
- 18b.41 Designation of an administrative law judge.
- 18b.42 Authority of presiding officer.

HEARING PROCEDURES

- 18b.50 Statements of position and trial briefs.
- 18b.51 Evidentiary purpose.
- 18b.52 Testimony.
- 18b.53 Exhibits.
- 18b.54 Affidavits.
- 18b.55 Depositions.
- 18b.56 Admissions as to facts and documents.
- 18b.57 Evidence.
- 18b.58 Cross-examination.
- 18b.59 Un-sponsored written material.
- 18b.60 Objections.
- 18b.61 Exceptions to rulings of presiding officer unnecessary.
- 18b.62 Official notice.
- 18b.63 Public document items.
- 18b.64 Offer of proof.
- 18b.65 Appeals from ruling of presiding officer.

THE RECORD

- 18b.66 Official transcript.
- 18b.67 Record for decision.

POSTHEARING PROCEDURES; DECISIONS

- 18b.70 Posthearing briefs; proposed findings and conclusions.
- 18b.71 Decisions following hearing.
- 18b.72 Exceptions to initial or recommended decisions.
- 18b.73 Final decisions.
- 18b.74 Oral argument to the reviewing authority.
- 18b.75 Review by the Secretary.
- 18b.76 Service on amici curiae.

POSTHEARING DEPARTMENT ACTIONS

- 18b.77 Final Department action.

JUDICIAL STANDARDS OF PRACTICE

- 18b.90 Conduct.
- 18b.91 Improper conduct.
- 18b.92 Ex parte communications.
- 18b.93 Expeditious treatment.
- 18b.94 Matters not prohibited.

§ 18b.1

18b.95 Filing of ex parte communications.

AUTHORITY: 5 U.S.C. 301, 38 U.S.C. 501 and 38 CFR 18.9(d) and appendix A, part 18.

SOURCE: 35 FR 10760, July 2, 1970, unless otherwise noted.

GENERAL RULES

§ 18b.1 Scope of rules.

The rules of procedure in this part supplement §§ 18.9 and 18.10 of this chapter and govern the practice for hearings, decisions, and administrative review conducted by the Department of Veterans Affairs pursuant to Title VI of the Civil Rights Act of 1964 (section 602, 78 Stat. 252) and part 18 of this chapter.

§ 18b.2 Reviewing authority.

The term *reviewing authority* means the Secretary of Veterans Affairs, or any person or persons acting pursuant to authority delegated by the Secretary to carry out responsibility under § 18.10 of this chapter. The term includes the Secretary with respect to action under § 18b.75.

[35 FR 10760, July 2, 1970, as amended at 51 FR 10386, Mar. 26, 1986]

§ 18b.9 Definitions.

The definitions contained in § 18.13 of this chapter apply to this part, unless the context otherwise requires.

§ 18b.10 Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs, decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the Civil Rights hearing clerk. Inquiries may be made at the Department of Veterans Affairs Central Office, 810 Vermont Avenue NW., Washington, DC 20420.

§ 18b.11 Use of number.

As used in this part, words importing the singular number may extend and be applied to several persons or things, and vice versa.

[51 FR 10386, Mar. 26, 1986]

§ 18b.12 Suspension of rules.

Upon notice to all parties, the reviewing authority or the presiding offi-

38 CFR Ch. I (7-1-04 Edition)

cer, with respect to matters pending before them, may modify or waive any rule upon determination that no party will be unduly prejudiced and the ends of justice will thereby be served.

APPEARANCE AND PRACTICE

§ 18b.13 Appearance.

A party may appear in person or by counsel and participate fully in any proceeding. A State agency or a corporation may appear by any of its officers or by any employee it authorizes to appear on its behalf. Counsel must be members in good standing of the bar of a State, territory, or possession of the United States or of the District of Columbia or the Commonwealth of Puerto Rico.

§ 18b.14 Authority for representation.

Any individual acting in any proceeding may be required to show authority to act in such capacity.

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§ 18b.15 Exclusion from hearing for misconduct.

Disrespectful, disorderly, or contemptuous language or contemptuous conduct, refusal to comply with directions, or continued use of dilatory tactics by any person at any hearing before a presiding officer shall constitute grounds for immediate exclusion of such person from the hearing by the presiding officer.

PARTIES

§ 18b.16 Parties.

The term party shall include an applicant or recipient or other person to whom a notice of hearing or opportunity for hearing has been mailed naming that person as respondent. The Department shall also be deemed a party to all proceedings and shall be represented by the General Counsel.

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