

ACTION: FINAL
FILED

DATE: 10/07/2002
08:50 AM

4112-3-11 **Reconsideration of final orders.**

- (A) ~~After issuing any order pursuant to rule 4112-3-10 of the Administrative Code, but prior to the expiration of the appeal period provided by section 4112.06 of the Revised Code, the~~ The commission, on its own motion or by motion of any party, ~~and after reasonable notice has been given to all parties, may reopen any proceeding set aside any final order and . after reasonable notice has been given,~~ take such action as it may deem necessary, including reinstating or modifying ~~or setting aside~~ in whole or in part any finding or order previously made by it. ~~Any party who might be affected by such modification or setting aside shall have the opportunity to be heard at such a proceeding.~~
- (B) In reconsidering any final order ~~issued pursuant to rule 4112-3-10 of the Administrative Code,~~ the commission may consider the following:
- (1) Mistake, inadvertence, surprise or excusable neglect;
 - (2) Newly discovered evidence which by due diligence could not have been discovered prior to the public hearing;
 - (3) Fraud, misrepresentation or other misconduct of a party; or
 - (4) Any other reason for setting aside in whole or in part the final order previously issued.
- ~~(C) A motion for reconsideration will not toll the time period for filing a petition for judicial review set forth in division (H) of section 4112.06 of the Revised Code.~~

Replaces: 4112-3-11
Effective: 10/17/2002
R.C. 119.032 review dates: 8/1/2002 and 08/01/2007

CERTIFIED ELECTRONICALLY

Certification

10/07/2002 08:50 AM

Date

Promulgated Under: 119.03
Statutory Authority: 4112.04(A)(4)
Rule Amplifies: 4112.04, 4112.05
Prior Effective Dates: 11/4/1971, 11/15/1977,
9/1/1992 (Emer.), 10/2/1992