

### **Sec. 31-237g-19. Stipulations; official notice; consolidated proceedings**

- a. The parties to a proceeding before a Referee may stipulate to agreement upon facts or procedures and the Referee may accept such stipulations if the Referee determines such stipulations to be consistent with the actual facts, the law and these regulations.
- b. The Referee may take official notice of judicially cognizable facts and generally recognized, technical, or scientific facts within the Referee's specialized knowledge. Any facts officially noticed shall be specifically identified as such in the Referee's decision. Any party who (1) is aggrieved by a Referee's decision which incorporates a fact which was officially noticed by the Referee but not specifically addressed at the Referee's hearing and (2) disputes such fact officially noticed may, pursuant to Sections 31-237g-34 and 31-237g-35 of these regulations, file a Motion to Reopen such case for purposes of scheduling a further evidentiary hearing on such case. If the Motion is timely filed and specifically alleges such conditions, the Referee shall grant such Motion.
- c. For good cause, any number of proceedings before the Referee may, at the initiative of the referee or at the request of a party, be consolidated for hearing, review or decision provided that the Referee notifies the parties of his intention to consolidate and the reasons therefor and provides the parties a reasonable opportunity to object. A Referee's decision to consolidate is not separately appealable but is subject to a motion to reopen or may be made an additional ground for appeal from the Referee's final decision on the merits. For purposes of this subsection, good cause includes but is not limited to
  1. the facts and circumstances of each case are substantially similar,(2)the legal issues are related,(3) such consolidation will not unduly complicate the issues involved, (4)consolidation will aid the Referee in creating a more complete record or resolving complex or significant issues of law, and (5) no substantial right of any party will be significantly prejudiced
- d. The board may request that a party sign a written stipulation which (1) waives such party's claim to an individual and separate hearing, review and decision; (2) appoints one or more individuals or entities to serve as representatives of such party for purposes of any hearing or review held; and (3) binds such party by the representation so afforded during such proceedings

Any stipulation for consolidation signed by a claimant at the time of his filing a claim for benefits or subsequent thereto which recites that the stipulation shall remain in effect during the pendency of any appeal before the Referee or Board shall be valid.

(Effective October 27, 1997)