

DEPARTMENT OF ECONOMIC  
DEVELOPMENT

TITLE 88, DEPARTMENT OF ECONOMIC  
DEVELOPMENT

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## **TITLE 88 - NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **CHAPTER 1 - Rules of Practice and Procedure for Hearings in Contested Cases Before the Department.**

#### **001. Adoption of model rules and additional definitions.**

001.01. Adoption of model rules. For any contested hearing before the Department, the model Rules of Practice and Procedure for Hearings in Contested Cases Before an Agency promulgated as Title 53, Chapter 4 of the Nebraska Administrative Code by the Attorney General are incorporated by reference.

001.02. Additional definitions. The following definitions shall apply throughout this chapter:

001.02A. Director shall mean the director of the Agency, the Nebraska Department of Economic Development.

001.02B. Protest shall mean a petition seeking redetermination by the Director of an appealable decision made by the Agency.

#### **002. Additional rules.** The following rules shall apply to any petition or pleading as applicable:

002.01. Motions practice. Any party may file a motion with the Hearing Officer as soon as a party becomes aware of facts requiring the motion. The motion must state a request for relief and support for the relief requested. If the consent of all parties is not obtained, a hearing on the motion may be scheduled and the parties notified. The burden will be on the party filing the motion to show good cause why it should be granted. Notice will be given to all parties of the ruling on the motion.

002.01A. Motion for dismissal. The Hearing Officer may grant a motion for dismissal for, but not limited to, the following grounds:

002.01A1. Lack of jurisdiction, including but not limited to whether the petitioner is the proper party in the proceeding, whether the petition fails to state a claim, or whether the petition was filed within the statutory time limit; or

002.01A2. Upon a party being held in default under the Administrative Procedure Act for failure to attend or participate in a prehearing conference, hearing, or other stage of a contested case, or who fails to make a good faith effort to comply with a prehearing order.

