

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
ADMINISTRATIVE PROCEDURES DIVISION**

**CHAPTER 1240-5-7
THE HEARING REPORT**

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1240-5-7-.01 CONTENTS OF REPORT.

- (1) The hearing record shall be maintained for not less than three (3) years.
- (2) Hearing decisions are accessible to the public for inspection and copying, subject to the requirements of safeguarding case information and to the deletion of any portions that are confidential under any provision of law.
- (3) The hearing record shall be available to the appellant or his/her representative at any reasonable time. The record shall include:
 - (a) All pleadings, motions, and intermediate rulings;
 - (b) Exhibits;
 - (c) A summary of the oral testimony plus all other evidence received or considered, stipulations, and admissions;
 - (d) A statement of matters officially noticed;
 - (e) Questions and offers of proof, objections, and rulings thereon;
 - (f) Findings and conclusions;
 - (g) The tape recording, stenographic notes or symbols, or transcript of the hearing;
 - (h) Any Final Order, Initial Order, or Order on reconsideration;
 - (i) All staff memoranda or data submitted to the hearing official or members of the agency in connection with their consideration of the case; and
 - (j) Matters placed on the record after an ex parte communication.

Authority: T.C.A. §§ 4-5-202, 4-5-319, 4-5-218(a)-(d), 71-1-105(12) and 71-1-111; 7 C.F.R. § 273.15(q)(1) and (5); 42 C.F.R. § 431.244(g) and 45 C.F.R. § 205.10(a)(14) and (19). **Administrative History:** Original rule filed January 19, 1977; effective February 18, 1977. Amendment filed December 17, 1982; effective March 16, 1983. Amendment filed February 26, 2007; effective May 12, 2007.

1240-5-7-.02 RECORD OF ORAL PROCEEDINGS. A record (which may consist of a stenographic record, tape or similar electronic recording, or comprehensive notes) shall be made of all oral proceedings. Such record or any part thereof shall be transcribed on request of any party at his/her expense or may be transcribed by the Department at its expense.

Authority: T.C.A. §§ 4-5-202, 4-5-319, 71-1-105(12) and 71-1-111. **Administrative History:** Original rule filed January 19, 1977; effective February 18, 1977. Amendment filed December 17, 1982; effective March 16, 1983. Amendment filed February 26, 2007; effective May 12, 2007.