

CR 88-104

CERTIFICATE

RECEIVED

STATE OF WISCONSIN)
)
DEPARTMENT OF VETERANS AFFAIRS)

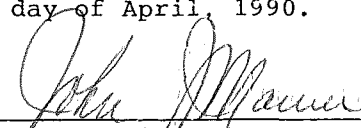
APR 12 1990
2:50pm
Revisor of Statutes
Bureau

I, John J. Maurer, Secretary of the Department of Veterans Affairs and custodian of the official records of said department do hereby certify that the annexed rules, relating to establishing the Secretary of the Department of Veterans Affairs as the final decisionmaker in chapter 227 proceedings were duly approved and adopted by the Board of Veterans Affairs of the Department of Veterans Affairs on November 18, 1988.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Veterans Affairs at 77 North Dickinson Street, in the city of Madison, Wisconsin this 11th day of April, 1990.

BY:



JOHN J. MAURER, Secretary

6-1-90

ORDER OF THE
DEPARTMENT OF VETERAN AFFAIRS
AMENDING RULES

The Wisconsin Department of Veterans Affairs amends VA.103(7), (8) and (9) of the Wisconsin Administrative Code relating to establishing the Secretary of the Department of Veterans Affairs as the final decisionmaker in chapter 227 proceedings.

Analysis Prepared by the Department of Veterans Affairs:

Statutory authority: s.45.35(3), Stats.

Statutes interpreted: Various provisions of subchapter III of chapter 227, Stats.

The secretary of the department of veterans affairs has replaced the board of veterans affairs as the final decisionmaker in chapter 227 proceedings conducted before the department. The secretary is required to report all final decisions to the board of veterans affairs.

The board of veterans affairs of the department of veterans affairs amends rules as follows:

SECTION 1. VA1.03(7), (8) and (9) are amended to read:

(7) PROPOSED DECISION. The hearing examiner shall issue a proposed written decision to the ~~board-of-veterans-affairs~~, secretary, including findings of fact, conclusions of law, order and opinion pursuant to s.227.46(2), Stats. The proposed decision shall be served on all parties at least 20 calendar days before it is submitted to the ~~board-of-veterans-affairs~~ secretary for final decision unless the 20 calendar day period is waived by all parties. Each party adversely affected may file objections to the proposed decision, briefly stating the reasons and authorities for each objection, and may file a brief and present oral argument to the ~~board-at-the-meeting-of-the-board-at-which-the-party's~~ ease-is-to-be-heard, secretary at the time scheduled for a hearing.

(8) FINAL DECISION. The ~~board-of-veterans-affairs~~ secretary shall issue in writing the final decision, findings of fact, and conclusion of law. The board shall be furnished with a copy of the final decision, findings of fact and conclusions of law and a brief explanation of the case involved.

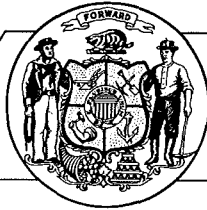
(9) PETITION FOR REHEARING. A party aggrieved by a final decision may petition the board secretary for rehearing pursuant to s. 227.49, Stats. Any other party shall have 20 days from the date the petition for rehearing is mailed to them at their last known address to file a reply to the petition.

The amendments of rules contained in this order shall take effect as provided in section 227.22(2) (intro), Stats.

DATE: April 11, 1990

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

BY: 
JOHN J. MAURER, Secretary



VETERANS AFFAIRS

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

P.O. Box 7843, 77 N. Dickinson St., Madison, WI 53707-7843
Tommy G. Thompson, Governor
John J. Maurer, Secretary

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Bureau

April 12, 1990

Gary L. Paulson, Assistant Revisor
Revisor of Statutes Bureau
30 W. Mifflin Street, Suite 702
Madison, WI. 53702

Re: Amendment of VA1.03(7), (8) and (9) of the Wisconsin Administrative Code

Dear Mr. Paulson:

I have enclosed for filing both a certified and an uncertified copy of a rule for publication in the administrative register at the end of May 1990. I have also filed a certified copy of the rule with the secretary of state on this date.

If you have any questions you may contact me at 6-7916.

Sincerely,

John Rosinski, Chief Counsel
Department of Veterans Affairs

JR/mab
Enclosure