

TITLE 5, PART 1, CHAPTER 5, SUBCHAPTER II, Section 556

Section 556 - **Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision.**

Hearings

- (a) This section applies, according to the provisions thereof, to hearings required by section 553 or 554 of this title to be conducted in accordance with this section.

Presiding employees -

- (b) There shall preside at the taking of evidence —
 - (1) the agency;
 - (2) one or more members of the body which comprises the agency, or

* pertinent sections presented

Powers and duties

- (c) Subject to published rules of the agency and within its powers, employees presiding at hearings may —
 - (1) administer oaths and affirmations;
 - (2) issue subpoenas authorized by law;

* pertinent sections presented

Burden of proof

- (d) Except as otherwise provided by statute, **the proponent of a rule or order has the burden of proof.** Any oral or documentary evidence may be received, but the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. A sanction may **not be imposed** or rule or order issued **except on consideration of the whole record or those parts** thereof cited by a party **and supported by and in accordance with the reliable,** probative, and substantial evidence.

* pertinent sections presented

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