

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's North Carolina General Statutes Annotated
Chapter 150B. Administrative Procedure Act (Refs & Annos)
Article 3. Administrative Hearings (Refs & Annos)

N.C.G.S.A. § 150B-34

§ 150B-34. Final decision or order

Effective: January 1, 2012

[Currentness](#)

(a) In each contested case the administrative law judge shall make a final decision or order that contains findings of fact and conclusions of law. The administrative law judge shall decide the case based upon the preponderance of the evidence, giving due regard to the demonstrated knowledge and expertise of the agency with respect to facts and inferences within the specialized knowledge of the agency.

(b) Repealed by Session [Laws 1991, c. 35](#), s. 6.

(c) Repealed by [S.L. 2011-398, § 18](#), eff. Jan. 1, 2012.

(d) Except for the exemptions contained in [G.S. 150B-1](#), the provisions of this section regarding the decision of the administrative law judge shall apply only to agencies subject to Article 3 of this Chapter, notwithstanding any other provisions to the contrary relating to recommended decisions by administrative law judges.

(e) An administrative law judge may grant judgment on the pleadings, pursuant to a motion made in accordance with [G.S. 1A-1, Rule 12\(c\)](#), or summary judgment, pursuant to a motion made in accordance with [G.S. 1A-1, Rule 56](#), that disposes of all issues in the contested case. Notwithstanding subsection (a) of this section, a decision granting a motion for judgment on the pleadings or summary judgment need not include findings of fact or conclusions of law, except as determined by the administrative law judge to be required or allowed by [G.S. 1A-1, Rule 12\(c\)](#), or [Rule 56](#).

Credits

Added by [Laws 1973, c. 1331, § 1](#). Amended by [Laws 1985, c. 746, § 1](#); [Laws 1987, c. 878, §§ 5, 23](#); [Laws 1987 \(Reg. Sess., 1988\), c. 1111, § 21](#); [Laws 1991, c. 35, § 6](#); [S.L. 2000-190, § 6](#), eff. Jan. 1, 2001; [S.L. 2011-398, § 18](#), eff. Jan. 1, 2012.

[Notes of Decisions \(19\)](#)

N.C.G.S.A. § 150B-34, NC ST § 150B-34

The statutes and Constitution are current through [S.L. 2024-21](#) of the 2024 Regular Session of the General Assembly, subject to changes made pursuant to direction of the Revisor of Statutes. Some statute sections may be more current; see credits for details.

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