



16, 1991 vacated the MSBCA Opinion as to the Roof Work Claim and the Sprinkler System Work and remanded for taking of additional evidence and affirmed MSBCA as to all other matters of the decision. MSBCA was first informed of the Remand on July 21, 1991.

3. The MSBCA set the matter for taking of additional testimony for August 26, 1991 and requested the parties inform MSBCA as to the nature of the additional evidence to be provided the Board not previously provided and to the scheduling of the number of days required for taking additional evidence.

4. By letter dated August 19, 1991 delivered to the Board by Respondent/Appellant the Board was informed that neither party intended to present any evidence either through witnesses or documents and that they would simply adopt the record previously submitted to the Board, contrary to the Order of Remand.<sup>1</sup>

5. Both parties confirmed on the record that there were no other witnesses or evidence for the Board to consider.

#### Decision

Judicial review of the final decision of the MSBCA are subject to State Government Article § 10-215. A Circuit Court may remand for additional evidence before the agency if before the hearing in court a party applies for leave to offer additional evidence, and the court is satisfied that: 1. the evidence is material; and 2. there were good reasons for the failure to offer the evidence in the proceeding before the agency. Howard County v. Davidson Area Civic Ass'n., 72 Md. App. 19, 527 A.2d 772 (1987).

In this remand there is no additional evidence offered of any kind. Since there is no new evidence the Board is once again asked to review the evidence previously provided. The Board issued its May 30, 1990 opinion based upon the parties presentation of evidence which was material, relevant and substantial.

---

<sup>1</sup>This letter and other correspondence generated after the Remand were made MSBCA exhibits at the hearing on August 26, 1991 and are part of the record returned to the Circuit Court for Baltimore City.

The Respondent requests that the MSBCA treat this Remand as a Motion for Reconsideration. Such motions are provided under COMAR 21.10.06.28, but must be filed 30 days from date of receipt of a copy of the decision. No Motion for Reconsideration was filed. The case was appealed pursuant to COMAR 21.10.01.02. The jurisdiction of this case is with the Circuit Court for Baltimore City. There is no regulatory or statutory authority allowing the MSBCA to treat Respondent's Remand as a Motion for Reconsideration. Since no new evidence has been offered the Board's opinion is again sustained as to the Roof Work Claim and Sprinkler System Work.

Dated: October 9, 1991

The following is a list of the names of the persons who have been appointed to the various positions in the organization of the National Association of Manufacturers, Inc. for the year 1914. The names are given in alphabetical order of the surnames. The names of the persons who have been appointed to the various positions in the organization of the National Association of Manufacturers, Inc. for the year 1914. The names are given in alphabetical order of the surnames. The names of the persons who have been appointed to the various positions in the organization of the National Association of Manufacturers, Inc. for the year 1914. The names are given in alphabetical order of the surnames.