

TITLE 3: HUMAN RESOURCES
DIVISION 3: SOCIAL SECURITY ACT

§ 3107. Review of Determination of Appellate Examiner; Procedure.

Any person aggrieved by a decision of the Appellate Examiner may obtain a review of the decision in the District Court for the Northern Mariana Islands by filing in court, within 60 days after notice of the decision, a written petition praying that the decision be modified or set aside in whole or in part. A copy of the petition shall be served on the Appellate Examiner, by service on him or his designated agent, and thereupon the Appellate Examiner shall certify and file in court a copy of the record upon which the decision was made. The findings of the Social Security Administrator or the Appellate Examiner as to the facts, if supported by competent, material, and substantial evidence, shall be conclusive. If either party applies to the court for leave to adduce additional material evidence, and shows to the satisfaction of the court that there were reasonable grounds for failure to adduce the evidence in the hearing before the Appellate Examiner and that such evidence is competent, material, and substantial, the court may order the additional evidence to be taken by the Appellate Examiner and to be adduced upon the hearing in such manner and upon such conditions as the court considers proper. The Appellate Examiner may modify his findings and decision after receipt of further evidence together with any modified or new findings or decision. The judgment of the court upon the record shall be final, subject to review by the Ninth Circuit Court of Appeals upon petition of any aggrieved party, including the Appellate Examiner, within 60 days from judgment.

Source: DL 5-12, § 1; amended by DL 5-25, § 11.

Commission Comment: The Commission inserted a semicolon in place of a dash in the heading of this section to conform the heading to the style used elsewhere in the code. According to PL 3-90, § 7(a) (reprinted in the preface material, prior to title 1), “section headings . . . do not in any manner affect the scope, meaning, or intent of the provisions of this Code.”