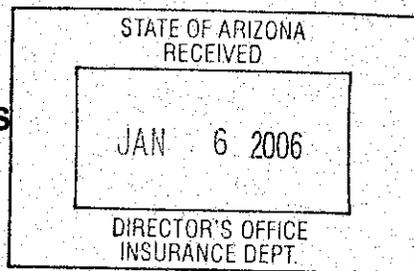


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2
3 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**



4 **In the Matter of an Appeal by:**

No. 05A-099-INS

5 **AMERICAN EMPLOYERS BENEFIT**
6 **TRUST AND**
7 **EMPLOYERS RESOURCE**
8 **MANAGEMENT COMPANY,**

ORDER REGARDING PETITIONERS'
PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW AND ORDER
CLOSING RECORD

9 **Petitioners,**

10 **Of a Decision by:**

11 **NATIONAL COUNCIL ON**
12 **COMPENSATION INS., INC.,**

13 **Real Party in Interest.**
14
15

16
17 **Despite the fact that Petitioners filed their Proposed Findings of Fact and**
18 **Conclusions of Law after the required deadline without providing an explanation for**
19 **such late filing, the Administrative Law Judge finds that NCCI is not prejudiced by the**
20 **late filing and has not made the late filing an issue. Therefore, the Administrative Law**
21 **Judge will consider such filing subject to the ruling made below.**

22 **NCCI filed a Motion to Strike Petitioners' Proposed Findings of Fact and**
23 **Conclusions of Law because it includes references to attached documents that were**
24 **not presented as evidence during the hearing of this matter. Petitioners' response to**
25 **the Motion states that the documents were presented as part of their Offer of Proof.**

26 **Near the conclusion of the evidentiary hearing, Petitioners requested that they be**
27 **provided an opportunity to supplement the record with additional documentary evidence**
28 **that they did not have with them and the Administrative Law Judge sustained NCCI's**
29 **objection to that request.**

30 **The Administrative Law Judge will not strike Petitioners' Proposed Findings of**

Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

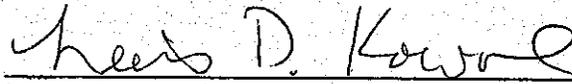
1 Fact and Conclusions of Law but will not consider any provision within that document
2 that pertains to exhibits not admitted during the hearing of this matter and will not
3 consider any such attached document.

4 **THEREFORE,**

5 **IT IS ORDERED** denying NCCI's Motion to Strike; and

6 **IT IS FURTHER ORDERED** closing the record of this matter on January 9, 2006,
7 at 5:00 p.m.

8 Done this day, January 3, 2006

9 

10 Lewis D. Kowal
11 Administrative Law Judge

12 Copy mailed this 4th day of
13 January, 2005 to:
14 2006

15 Christina Urias, Director
16 Department of Insurance
17 2910 North 44th Street, Ste. 210
18 Phoenix, AZ 85018

19 Frederick C. Berry, Jr.
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22 Sara Begley
23 Hennelly & Steadman, PLC
24 Goldsworthy House
25 322 W. Roosevelt
26 Phoenix, AZ 85003

27 By C.J. Rice