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Sept. 19, 1957.

REGULATION NO. 5

BOARD OF APPEALS OF THE OFFICE OF TRANSPORTATION

Section 1. - INTRODUCTION

This regulation is promulgated by virtue of the power conferred by Section 3 of Act No. 49, approved August 4, 1947, as amended by Act No. 163, approved May 12, 1948.

Section 2. - CREATION AND CONSTITUTION OF THE BOARD

(a) The Board of Appeals of the Office of Transportation (hereinafter designated as the Board) is hereby created.

(b) The Board shall be composed of three members, namely; one official or employee from the Office of the Governor, appointed by the latter; one official or employee from the Accounting Service of the Treasury Department, appointed by the Secretary of the Treasury; and one official or employee from the Office of Transportation, appointed by the Chief of Transportation.

(c) Members shall personally attend sessions, and two shall constitute a quorum. In the event of the resignation of any member of the Board, or of his separation from service, or of his inability to serve from any cause, the corresponding appointing official shall designate another official or employee for his position.

Each board member shall take oath that his decisions on all matters brought before him will be fair and impartial and in accordance with law.

(d) Each shall hold office at the will of the respective agency head designating him.

(e) At their organizatory meeting, and annually thereafter, the Board shall select one of its members to act as Chairman and another as Secretary. In the absence of the Chairman deliberations shall be conducted by some other member.

(f) The Chairman shall be responsible for the application and enforcement of the rules and shall conduct the deliberations. The Secretary shall keep minute books, and shall have in his custody all reports on investigations, documents, and other official action; shall notify the interested parties of the resolutions and decisions of the Board on the appeals submitted by said parties; shall furnish certified copies of the minutes to the Governor, The Secretary of the Treasury, the Chief of Transportation, the Director of Personnel, and the Department Secretary or Agency Director under whom the appellant official or employee works; and shall fulfill such other duties as the Board may designate.

Section 3. - BOARD MEETINGS

(a) The Board shall meet at least once every ninety (90) days, at the time and place set by its Chairman, upon call. Each board member shall be notified in writing of the date and place of any meeting.

(b) The Chief of Transportation shall order that proper premises be assigned the Board to hold its meetings; he shall designate a clerk-stenographer to dispatch the business of the Board and keep the records and files. Wherever necessary, the Chief of Transportation shall cause to be done in his office such clerical work as cannot be taken care of by the clerk-stenographer. The Board may use the Commonwealth, local or other departments or agencies, and avail itself of all such voluntary and gratuitous services as may, from time to time, be required.

Section 4. - DUTIES OF THE BOARD

(a) It shall be the duty of the Board to review and decide on appeal, at the request of any party in interest, the decisions and findings of the Chief of Transportation in accident cases involving motor vehicles under the control of the Office of Transportation and which are based upon the provisions of the regulation in force.

(b) It shall be the duty of the Board to carry out all investigati-

necessary for the proper performance of its functions.

(c) The Board shall perform any act or acts required under this regulation.

(d) In the exercise of its functions the Board shall represent the public interest only.

**Section 5. - FILING AND RESOLUTION OF APPEALS**

(a) Any party directly interested in the reviewing of any decision or finding of the Chief of Transportation may appeal therefrom to the Board within the term of fifteen (15) days after notification thereof by the Chief of Transportation.

(b) Petitions filed in accordance with this regulation shall be heard expeditiously; if possible, within the fifteen (15) days following receipt of the appeal. Proceedings before the Board shall be simple and summary.

(c) Petitions for appeal or reconsideration shall be made in writing and shall set forth the grounds on which they are based.

(d) The Board may, if it deems it convenient, grant a hearing to appellant before deciding the case.

(e) The Board shall pass upon all appeals filed, without a hearing, when it shall deem it advisable.

(f) The decision or finding of the Chief of Transportation shall be final where the party impaired by such decision or finding does not appeal to the Board within the term and in the manner herein established in those matters subject to review by this Board.

**Section 6. - POWERS OF THE BOARD**

(a) For the purposes of the hearings and investigations which, in the opinion of the Board, are necessary to the exercise of its powers, the Board shall have the right to examine witnesses and to require and hold for the pendency of the case any evidence related to the matter under investigation.

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(b) The different departments and agencies of the Government shall furnish to the Board, upon request, all documents, records and information they may have in their possession in connection with any matter pending before the Board.

(c) The decisions or findings of the Board shall be final.

Section. - EFFECTIVENESS

This regulation, being of an urgent and necessary character, shall take effect immediately after its approval.

(Sgd) AGUSTIN MERCADO  
Chief of Transportation

APPROVED: October 21, 1953

(Sgd.) LUIS MUÑOZ MARIN  
Governor