

Reconsideration Policy for Correction of Clerical and Administrative Errors

Updated as of March 11, 2008

The Consent Decree and the Court's Order of Reference authorize the Monitor to decide whether claims should be reexamined in response to a Petition for Monitor Review. After consideration of each Petition, the Monitor issues a letter containing a written explanation of the basis of the Monitor's decision. The Monitor's decision on reexamination is final. Once the Monitor's decision is issued, the Monitor will not reconsider the legal and factual issues raised by the parties concerning the merits of the claim.

Nevertheless, the Monitor recognizes that in the process of reviewing several thousand petitions, unintentional errors may occur. For example, there may be typographical errors in the decision or other unintentional mistakes that could create confusion regarding the intent of the Monitor's Petition Decision. In those cases where a clerical or administrative error occurs, the Monitor may reconsider her decision and issue an Amended Decision to correct the error. The purpose of an Amended Decision is to reflect accurately the substance of the Monitor's Petition Decision.

The Monitor may issue an Amended Decision to correct inadvertent clerical or administrative errors, on the Monitor's own initiative, at any time. Whether to issue an Amended Decision to correct inadvertent clerical or administrative errors rests solely within the discretion of the Monitor.

The parties may also request reconsideration under certain, limited circumstances. To be considered by the Monitor, a request for reconsideration and issuance of an Amended Decision must be in writing and must: (1) clearly specify the clerical or administrative error which the party wishes the Monitor to correct, and (2) explain why correction of the error is necessary to ensure that the Petition Decision accurately reflects the substance of the Monitor's Petition Decision. Examples of errors the Monitor may correct through an Amended Decision include:

- An incorrect file number associated with a claimant's name,
- Mistakes in transcription or quotation of file documents, or
- Typographical errors which create confusion or misunderstanding regarding the substance of the Monitor's Petition Decision.

Parties may file a written request for reconsideration with the Office of the Monitor, P.O. Box 64511, St. Paul, MN 55164-0511, Attn: Request for Reconsideration.

A request for reconsideration and the issuance of an Amended Decision must be based solely upon the information in the record before the Monitor in the petition process and the Monitor's Petition Decision. The Monitor will not consider additional information or arguments that go to the merits of the claim, such as the similarity of white farmers identified in the Monitor's Petition Decision, whether the Adjudicator or the Arbitrator properly analyzed the claimant's credibility, or whether the Monitor properly admitted or excluded supplemental information.

A request for reconsideration will not affect the finality of the Monitor's Petition Decision. The Monitor's Petition Decision shall be the Monitor's final Decision until such time, if any, that the Monitor chooses to issue an Amended Decision.