

286.12-135 Judicial review of order -- Additional evidence -- Appeal.

- (1) Any person aggrieved by a final order of the commissioner under this subtitle may obtain a review of the order in Franklin Circuit Court by filing with that court, within thirty (30) days after entry of the order, a written petition requesting that the order be modified or set aside in whole or in part.
- (2) A copy of the petition under subsection (1) of this section shall be served upon the commissioner, and thereupon the commissioner shall certify and file with the court a copy of the filing, testimony, and other evidence upon which the order was entered.
- (3) Upon the filings under subsections (1) and (2) of this section, the Franklin Circuit Court shall have exclusive jurisdiction to affirm, modify, enforce, or set aside the order at issue.
- (4) No objection to the order may be considered by the court unless it was urged before the commissioner or there were reasonable grounds for the failure to do so.
- (5)
 - (a) If either party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to adduce the evidence in the hearing before the commissioner, the court may order the additional evidence be taken before the commissioner and be adduced upon the hearing in a manner and upon conditions as the court may consider proper.
 - (b) The commissioner:
 1. May modify his or her findings as to the facts by reason of the additional evidence so taken; and
 2. Shall file:
 - a. Any modified or new findings, which, if supported by substantial evidence, shall be conclusive; and
 - b. Any recommendation for the modification or setting aside of the original order.
- (6) The commencement of proceedings under this section does not, unless specifically ordered by the court, operate as a stay of the commissioner's order.
- (7) An appeal may be taken from the judgment of the Franklin Circuit Court to the Court of Appeals on the same terms and conditions as an appeal is taken in civil actions.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 88, sec. 16, effective July 14, 2022.