

Comment from Consultant Michael Asimow on *Best Practices for Adjudication not Involving an Evidentiary Hearing*  
October 10, 2023

I took another look at the draft recommendations and made some additional proposed changes.

Line 32: Replace “inspection” with “inspections.”

Lines 37-38: Replace “Agencies rarely have unfettered discretion to craft and carry out procedures for Type C adjudications” with “The decisionmaking process in Type C adjudication is subject to legal restraints other than the requirement that the decision be preceded by an evidentiary hearing.”

Lines 41-42: Replace “And even when the Due Process clause is not implicated, agencies typically must ...” with “In addition, agencies conducting Type C adjudication typically must ...”

Line 44: Replace “may” with “are.”

Line 48: Replace “may” with “do”

Line 52-53: “replace “and” with a comma, and insert a comma after “satisfaction.”

Lines 160-162: Replace “that do not have” with “should consider the adoption of,” and replace “should develop such systems” with “in order.”