

**2B-1.0041 Expedited Hearing for False Military Service.**

The procedure for the investigation and hearing, if necessary, of a sworn complaint alleging a violation of Section 104.271(2) or 104.2715, F.S., will be as described in Rule 2B-1.004, F.A.C. and Sections 106.24, 106.25, 106.26, F.S., except that the following time restrictions shall be adhered:

(1) If the executive director finds that the complaint is legally sufficient, the legal sufficiency letter shall be sent by certified mail no later than 10 days after the expiration of the time allotted for respondent to provide a written response to the complaint.

(2) The Commission shall complete its report of investigation no later than 60 days after Respondent's receipt of the legal sufficiency letter.

(3) A copy of the Commission counsel's probable cause recommendation shall be furnished to the respondent no later than 10 days after the expiration of the time allotted for respondent to provide a written response to the investigator's report.

(4) Upon a finding of probable cause, the case shall proceed to hearing in accordance with Section 106.25(5), F.S., except that:

(a) In cases to be heard by the Division of Administrative Hearings, the executive director shall, no later than 10 days after receipt of an order finding probable cause, refer the case to the Division of Administrative Hearings for an expedited hearing.

(b) In cases involving disputed issues of material fact to be heard by the Commission, the Chairman shall, within 10 days of issuing an order finding probable cause, direct that a Commissioner or Commissioners hear the case, in accordance with subsection 2B-1.004(5), F.A.C.

(c) Informal hearings, involving no disputed issues of material fact, shall be conducted before the Commission at the next scheduled commission meeting, unless the Chairman elects to proceed in accordance with subsection 2B-1.004(5), F.A.C.

*Rulemaking Authority 104.2715(3) FS. Law Implemented 104.2715 FS. History—New 1-8-14.*