

§ 1174.28 Presentation of evidence.

- (a) The ALJ shall determine the admissibility of evidence.
- (b) Except as provided in this part, the ALJ shall not be bound by the Federal Rules of Evidence, but the ALJ may apply the Federal Rules of Evidence where he or she deems appropriate.
- (c) The ALJ shall exclude irrelevant and immaterial evidence.
- (d) The ALJ may exclude evidence, although relevant, if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay or needless presentation of cumulative evidence.
- (e) The ALJ shall exclude evidence, although relevant, if it is privileged under Federal law.
- (f) Evidence concerning compromise or settlement offers shall be inadmissible to the extent provided in Rule 408 of the Federal Rules of Evidence.
- (g) The ALJ shall permit the parties to introduce rebuttal witnesses and evidence.
- (h) All documents and other evidence taken for the record must be open to examination by all parties unless the ALJ orders otherwise.