

**875—5.23(88) Summary decision.****5.23(1)** *No genuine issue of material fact.*

*a.* Where no genuine issue of a material fact is found to have been raised, the hearing examiner may issue a decision to become final 20 days after service thereof.

*b.* A decision made under 5.23(1) shall include a statement of: (1) findings and conclusions, and the reasons or bases therefor, on all issues presented; and (2) the terms and conditions of the rule or order made.

*c.* A copy of the decision under this rule shall be served on each party.

**5.23(2)** *Hearings on issues of fact.* Where a genuine material question of fact is raised, the hearing examiner shall, and in any other case may, set the case for an evidentiary hearing in accordance with rules 5.14(88) to 5.21(88).