

## 45 C.F.R. § 1149.49

---

### How is evidence presented at the hearing?

---

- (a) The ALJ determines the admissibility of evidence.
- (b) Except as provided in this part, the ALJ is not bound by the Federal Rules of Evidence. However, the ALJ may choose to apply the Federal Rules of Evidence where he/she deems appropriate, for example, to exclude unreliable evidence.
- (c) The ALJ must exclude irrelevant and immaterial evidence.
- (d) Although relevant, evidence may be excluded 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.

This document is only available to subscribers. Please [log in](#) or [purchase access](#).

[Purchase Login](#)