

42 C.F.R. § 3.540

Evidence.

- (a) The ALJ must determine the admissibility of evidence.
- (b) Except as provided in this subpart, the ALJ is not bound by the Federal Rules of Evidence. However, the ALJ may apply the Federal Rules of Evidence where appropriate, for example, to exclude unreliable evidence.
- (c) The ALJ must exclude irrelevant or immaterial evidence.

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