



CHAPTER 150B

ARTICLE 4 - JUDICIAL REVIEW

N.C.G.S. § 150B-51.

Scope and standard of review.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2011-398, s. 27 — seventh act in the lineage	21 September 2026, 04:15 UTC	4f9eaed91043501adb223d1f - 72dc935eb549212065d8d7b0 - edb1a63b3b435c6d

§ 150B-51(a) , (a1) Repealed by Sessions Laws, 2011-398, s. 27. For effective date and applicability, see editor's note.

§ 150B-51(b) The court reviewing a final decision may affirm the decision or remand the case for further proceedings. It may also reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional provisions;
- (2) In excess of the statutory authority or jurisdiction of the agency or administrative law judge;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Unsupported by substantial evidence admissible under G.S. 150B-29(a)-, 150B-30, or 150B-31 in view of the entire record as submitted; or
- (6) Arbitrary, capricious, or an abuse of discretion.

§ 150B-51(c) In reviewing a final decision in a contested case, the court shall determine whether the petitioner is entitled to the relief sought in the petition based upon its review of the final decision and the official record. With regard to asserted errors pursuant to subdivisions (1) through (4) of subsection (b) of this section, the court shall conduct its review of the final decision using the de novo standard of review. With regard to asserted errors pursuant to subdivisions (5) and (6) of subsection (b) of this section, the

court shall conduct its review of the final decision using the whole record standard of review.

§ 150B-51(d)

In reviewing a final decision allowing judgment on the pleadings or summary judgment, the court may enter any order allowed by G.S. 1A-1, Rule 12(c) or Rule 56. If the order of the court does not fully adjudicate the case, the court shall remand the case to the administrative law judge for such further proceedings as are just.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1973	1992		2011
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1973	c. 1331, s. 1	ENACTED
02	1983	c. 919, s. 4	AMENDED
03	1985	c. 746, s. 1	AMENDED
04	1987	c. 878, s. 19	AMENDED
05	2000	S.L. 2000-140, s. 94.1	AMENDED
06	2000	S.L. 2000-190, s. 11	AMENDED
07	2011	S.L. 2011-398, s. 27	AMENDED

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 150B-29(a)	(b)(5)	<i>"Unsupported by substantial evidence admissible under"</i>
G.S. 1A-1	(d)	<i>"may enter any order allowed by"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 150B-51 (2011).

PINPOINT

N.C. Gen. Stat. § 150B-51(a) (2011).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 1331, s. 1; 1983, c. 919, s. 4; 1985, c. 746, s. 1; 1987, c. 878, s. 19; 2000-140, s. 94.1; 2000-190, s. 11; 2011-398, s. 27.)

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