

## **CHAPTER 94-03-04 REHEARING OR APPEAL**

### Section

94-03-04-01	Administrative Notice of Decision
94-03-04-02	Informal Review
94-03-04-03	Administrative Hearing
94-03-04-04	Final Decision

#### **94-03-04-01. Administrative notice of decision.**

1. After the division has received an application for crime victims benefits and has completed its initial investigation of the claim, the division shall issue a notice to the claimant that it has accepted the claim, denied the claim, reduced the claim, or is conducting further investigation.
2. If a claimant disagrees with the decision provided in the administrative notice of decision that the division has denied the claim or reduced the claim, the claimant may request an informal review. The claimant's request for informal review must be submitted to the division in writing within thirty days from the date of notice of the division's decision.

**History:** Effective January 1, 2017.

**General Authority:** NDCC 54-23.4-04

**Law Implemented:** NDCC 54-23.4-07

#### **94-03-04-02. Informal review.**

If a claimant requests informal review of a claim under North Dakota Century Code section 54-23.4-07, the division shall review the request, conduct any additional investigation it determines in its discretion is necessary, and notify the claimant, or the claimant's authorized representative, if applicable, by a written order, including findings of fact and conclusions of law in support of the division's order if the division has reduced or denied the claim. The division shall provide the claimant notice of the provisions of North Dakota Century Code sections 28-32-40 and 28-32-42 with its order reducing or denying benefits.

If a claimant disagrees with the division's findings of fact, conclusions of law, and order reducing or denying benefits after informal review, the claimant may:

1. Request reconsideration and an administrative hearing in accordance with North Dakota Century Code section 28-32-40.
2. Appeal the order of the division to the district court in accordance with North Dakota Century Code section 28-32-42.

**History:** Effective January 1, 2017.

**General Authority:** NDCC 28-32-40, 28-32-42, 54-23.4-04

**Law Implemented:** NDCC 28-32-40, 28-32-42, 54-23.4-07

#### **94-03-04-03. Administrative hearing.**

If a claimant requests reconsideration of a claim in accordance with North Dakota Century Code section 28-32-40 and has requested an administrative hearing, the division shall refer the matter to the office of administrative hearings for further proceedings in accordance with the rules of the office of administrative hearings.

**History:** Effective January 1, 2017.

**General Authority:** NDCC 54-23.4-04

**Law Implemented:** NDCC 28-32-40, 54-23.4-07, 54-57-03

**94-03-04-04. Final decision.**

Based on the testimony received; the evidence provided; the results of any independent investigation; and the recommended findings of fact, conclusions of law, and recommended order, the division shall enter its final decision as determined by the director of the division.

**History:** Effective January 1, 2017.

**General Authority:** NDCC 54-23.4-04

**Law Implemented:** NDCC 28-32-39, 54-23.4-15