

1205.1600 ADMINISTRATIVE APPEAL.

Subpart 1. **Procedure.** Pursuant to Minnesota Statutes, section 13.04, subdivision 4 an individual may appeal an adverse determination of a responsible authority to the commissioner of administration. The appeal shall follow the procedures established in Minnesota Statutes, chapter 14, as amended, and the rules of the Office of Administrative Hearings relating to contested case proceedings.

Subp. 2. **Submitting an appeal; time limits.** Notice of an appeal must be submitted to the commissioner within a reasonable time of the determination made by the responsible authority pursuant to Minnesota Statutes, section 13.04, subdivision 4. For purposes of this subpart, "reasonable time" shall mean 180 days unless the responsible authority has provided the individual with a written statement which informs the individual of the right to appeal the determination to the commissioner. In the event this statement is provided, "reasonable time" for purposes of this subpart shall mean 60 days.

Subp. 3. **Contents of appeal notice.** The notice shall be in writing and addressed to: Commissioner of Administration, State of Minnesota, 50 Sherburne Avenue, Saint Paul, Minnesota 55155.

The notice shall contain the following information:

- A. the name, address, and phone number, if any, of the appealing party;
 - B. the name of the responsible authority and the entity which he or she represents;
 - C. a description of the nature of the dispute, including a description of the data;
- and
- D. a description of the desired result of the appeal; upon written request of the data subject stating reasons, the appeal may be processed under the name of a pseudonym.

Subp. 4. **Grounds for dismissing appeals.** The administrative law judge, at any stage of the proceedings, after all parties have had an opportunity to present their views, may recommend dismissal of any sham, capricious, or frivolous case, or any case not within the jurisdiction of the Department of Administration.

Subp. 5. **Repaying cost of appeal.** The Department of Administration shall be reimbursed for all costs associated with the contested case proceeding by the entity whose responsible authority has been the impetus for the individual's appeal to the commissioner. The commissioner shall establish appropriate accounting procedures to provide to the entity an itemized invoice.

Statutory Authority: *MS s 13.07*

History: *L 1984 c 640 s 32*

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