

1900.1110 APPEAL PROCESS.

Subpart 1. **Basis for an appeal.** There is no right of appeal for disputes of decisions with respect to interpretation of review criteria. An appeal may be made only if it is asserted that the board, or its staff, or advisory panels, did not follow the policies and procedures as provided by this chapter.

Subp. 2. **Appeal procedure.** An applicant who disputes a decision of the board regarding the applicant's grant application on the grounds that the board, or its staff, or advisory panels, did not follow its policies and procedures may appeal the decision of the board. The appeal shall be conducted according to this subpart.

A. The board must receive an appeal in writing within 30 business days of the date of the letter notifying the applicant of the board's decision.

B. The appeal must specifically state how the board, its staff, or advisory panels failed to follow its policies and procedures and provide the board with all information or evidence the applicant has to support the appeal.

C. Board staff shall evaluate the appeal and submitted materials and make a recommendation to the board.

D. An appeal that is received by the board at least 14 days in advance of a regularly scheduled board meeting shall be considered by the board at its first regularly scheduled meeting following the receipt of the appeal. An appeal received by the board less than 14 days in advance of the regularly scheduled board meeting shall be considered at the board's next subsequent regularly scheduled meeting.

E. The board shall take one or more of the following actions in response to the appeal:

(1) determine that the applicant does not show sufficient cause and deny the appeal;

(2) determine that the applicant shows sufficient cause for the appeal and direct staff to propose a remedy at a subsequent meeting;

(3) direct the staff to further investigate the applicant's appeal and report its results to the board at a subsequent meeting;

(4) request that the applicant appear before the board to address the appeal;

or
(5) refer the appeal to the Office of Administrative Hearings for a contested case proceeding.

Subp. 3. **Disputed decision.** An applicant does not have the right to request that the board reconsider its decision. If the applicant continues to dispute the board's decision, the

applicant shall notify the board in writing within 14 business days of the date of the letter notifying the applicant of the board's decision. Upon receipt of notification of dissatisfaction from the applicant, the board shall refer the matter to the Office of Administrative Hearings for a contested case proceeding. Once the board has referred the matter to the Office of Administrative Hearings, the board shall not consider the matter, pending receipt of the administrative law judge's report.

Statutory Authority: *MS s 129D.04*

History: *21 SR 5; 41 SR 87*

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