

3300.3270 APPEAL.

Subpart 1. **Scope.** A center for independent living operating under a valid certificate has the right to appeal the commissioner's termination of its certification under part 3300.3260, subpart 1.

Subp. 2. **Notice of intent to appeal.** The center for independent living may appeal a preliminary determination concerning termination of certification as provided in part 3300.3260, subpart 2. The appeal must be in writing to the Division of Rehabilitation Services in the Minnesota Department of Employment and Economic Development. The written notice of intent to appeal must be received by the Division of Rehabilitation Services within 30 calendar days from the date that a preliminary notice of termination is sent. If the notice of intent to appeal is not received within the 30-day period, the preliminary determination of the Division of Rehabilitation Services is final. The notice of intent to appeal must state the grounds for the appeal including relevant facts and issues that could be addressed at a contested case hearing.

Subp. 3. **Informal contact.** A representative of the commissioner will contact the appellant and discuss the grounds for the appeal no more than 15 days after the Division of Rehabilitation Services receives a notice of intent to appeal. The contact by the commissioner's representative must be reduced to writing, must contain a summary of the nature and basis of the decision, and must describe the appellant's appeal rights under subpart 4.

Subp. 4. **Contested case appeal.** If an appellant has first informally discussed the appeal as provided in subpart 3 and has not been completely satisfied, the appellant may request in writing a contested case hearing before an administrative law judge as provided in Minnesota Statutes, sections 14.57 to 14.62. The contested case hearing must be initiated and conducted according to parts 1400.5100 to 1400.8401.

Subp. 5. **Proposal for decision.** When an initial decision is rendered, the administrative law judge will prepare a proposal for decision that will be recommended for the commissioner's adoption.

Subp. 6. **Decision and order.** The commissioner must notify the appellant of a final decision as provided in Minnesota Statutes, section 14.62.

Subp. 7. **Legal representation.** A party may be represented by legal counsel at any step of the appeals process.

Statutory Authority: *MS s 129A.10; 268A.11*

History: *11 SR 634; L 1994 c 483 s 1; L 2005 c 112 art 2 s 41*

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