

**8775.0800 APPEALS.**

Subpart 1. **Aggrieved party.** An aggrieved party may appeal a decision of the division. An aggrieved party is an applicant:

- A. who is determined ineligible for TAM service under part 8775.0300, subpart 4;
- B. who disagrees with the division's determination regarding the appropriate communication device under part 8775.0300, subpart 6;
- C. who disagrees with the division's decision regarding priority for initial distribution of communication devices under part 8775.0400; or
- D. whose TAM service is terminated.

Subp. 2. **Procedure.** Requests for appeal must be made within 30 calendar days of receiving notice of adverse action or, for good cause shown, within 60 calendar days of receiving the notice. Requests for appeal can be made through written, telephone, or face-to-face contact with a designated representative of the regional service center for deaf and hard-of-hearing people.

Subp. 3. **Conciliation conference.** Within 30 calendar days of receiving a request for appeal, a representative of the regional service center for deaf and hard-of-hearing people shall meet with the aggrieved party and attempt to resolve informally the matter leading to the appeal. Within ten calendar days of the conciliation conference, the representative shall prepare a written summary of the issues addressed at the conciliation conference and shall send a copy of the written summary to the aggrieved party and to the board.

Subp. 4. **Formal hearings.** If still dissatisfied after receiving a copy of the conciliation conference summary, the aggrieved party may request a hearing before the board by making written, telephone, or face-to-face contact with a designated representative of the regional service center for deaf and hard-of-hearing people. A hearing before the board must be scheduled within 90 days. At the hearing, the aggrieved party may introduce evidence relevant to the issues on appeal. An aggrieved party may be represented by legal counsel or a lay advocate at the hearing.

Subp. 5. **Service pending appeal.** Termination of TAM services must be stayed pending an appeal.

**Statutory Authority:** *MS s 237.51*

**History:** *14 SR 848; 19 SR 1666; L 2004 c 228 art 1 s 74*

**Published Electronically:** *August 26, 2004*