

CHAPTER 5
DUE PROCESS

555—5.1(Ex.O.48) Appeals.

5.1(1) *Commission decisions.* Administrative staff of the commission shall make all decisions in accordance with established policies published by the federal government and administrative rules approved by the commission and shall notify the individual or agency concerned of these decisions within 45 calendar days of the date of inquiry.

5.1(2) *Appeal to commission coordinator.* If an individual, agency, or any duly appointed representative thereof disagrees with a staff decision, written evidence shall be presented to the commission coordinator setting forth the reasons for disagreement. The evidence must be presented within 60 calendar days after notification of the staff decision, and the appellant may request a hearing.

a. If no hearing is requested, the commission coordinator will consider all evidence provided and will notify the appellant within 30 calendar days whether the decision is retracted, modified, or upheld. The appellant will be advised of the appellant's right to carry the appeal to a meeting of the full commission or to an appeals panel appointed by the commission.

b. If a hearing is requested, the commission coordinator will set a date for the hearing no later than 30 calendar days from the date the request was received.

c. The commission coordinator, or a delegated representative of the commission coordinator, will preside at the hearing and will consider any written material presented before the hearing as well as other evidence presented during the course of the hearing.

d. After considering all evidence presented, the presiding officer will notify the appellant in writing as to the decision on the appeal, advising the appellant of the appellant's right to carry the appeal to a full meeting of the commission or to its appointed appeals panel.

5.1(3) *Appeal to full commission.* If the appellant seeks a hearing before the full commission or its appointed appeals panel, the appellant must notify the commission coordinator of this request in writing within 30 calendar days after receiving notice of the presiding officer's ruling.

a. Upon receipt of the request, the commission coordinator will set a date for the hearing before the commission or its appointed appeals panel at the earliest convenience of both the appellant and the commission, but not to exceed 60 days from the date of the request.

b. After consideration of all evidence presented, the full commission or its appointed appeals panel will notify the appellant in writing of the final decision.

These rules are intended to implement Executive Order Number 48.

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