

21—94.9(203D) Appeal from determination.

94.9(1) *Time limit for filing.* A claimant whose claim has been determined by the board may appeal the determination by filing an appeal with the board within 20 days of the date the notice of the determination was sent. Appeals shall include a statement as to the amount the appellant is contesting and as to the basis for appeal. The board's determination becomes final if there is no timely appeal.

94.9(2) *Board action on appeals.* Upon the timely filing of an appeal, the board shall schedule an evidentiary hearing or an opportunity for oral argument before the board on the appeal. The hearing or argument shall be scheduled no sooner than 15 days after notice of the hearing or oral argument is sent to the appellant by ordinary mail. If an evidentiary hearing is scheduled, the appellant may appear and submit evidence concerning the claim. The bureau may also appear and submit evidence. If the appellant fails to appear, the board may proceed in the appellant's absence. If a hearing or oral argument is held, the board shall prepare a written decision. The appellant shall be sent a copy of the board's decision by ordinary mail. The decision shall indicate the date when it is sent.

94.9(3) *Rehearing.* If a hearing was held on the appeal, the appellant may request a rehearing within 20 days of the date when the decision is sent. The request is deemed to have been denied unless the board grants the request within 20 days after the board's receipt of the request.

94.9(4) *Exclusive remedy.* The procedure provided by this rule is the exclusive administrative remedy in regard to the board's determinations as to the validity and amount of claims.