

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency Crime Victims' Compensation Commission
Rule No. 262-x-9-.01
Rule Title: Appeals Procedure
_____ New _____ Amend _____ X Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the
state's police power and the protection of the
public health, safety, or welfare? Yes

Is there another, less restrictive method of
regulation available that could adequately protect
the public? No

Does the propounded rule have the effect of directly
or indirectly increasing the costs of any goods or
services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the
public than the harm that might result from the
absence of the proposed rule? N/A

Are all facets of the rulemaking process designed
solely for the purpose of, and so they have, as
their primary effect, the protection of the public? Yes

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is
required to be accompanied by a fiscal note prepared in accordance with
subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full
compliance with the requirements of Chapter 22, Title 41, Code of Alabama
1975, and that it conforms to all applicable filing requirements of the
Administrative Procedures Division of the Legislative Reference Service.

Signature of certifying officer Cassie T. Jones Cassie T. Jones, Ed.D.

Date 5/13/14

ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 262-x-9-.10 Appeals Procedure

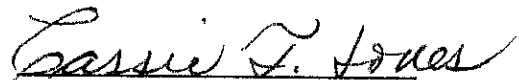
INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION: The Commission proposes to consolidate this section with Procedure in Contested Cases.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Alabama Crime Victims' Compensation Commission, 5845 Carmichael RD; Post Office Box 231267, Montgomery, Alabama 36123-1267, or oral comments at 334.290.4420.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written comments shall be received until the close of record at 5:00 p.m. on July 7, 2014. All comments should be addressed to the contact person listed below or oral comments at 334.290.4420.

CONTACT PERSON AT AGENCY: Kim Z. Martin, General Counsel, Alabama Crime Victims' Compensation Commission, 5845 Carmichael RD; Post Office Box 231267, Montgomery, Alabama 36123-1267.



Cassie T. Jones, Ed.D.
Executive Director

262-X-9-.01 Appeals Procedure.

REPEALED

~~(1) In the event an application is approved in a modified form, denied or rendered ineligible, the executive director of the Commission shall notify the claimant by certified mail, return receipt requested, within ten (10) calendar days of the Commission's action setting forth the basis of the Commission's decision.~~

~~(2) The claimant shall have the right to appeal and may do so by notifying the executive director in writing by certified mail, return receipt requested, of the intent to appeal within thirty (30) calendar days of the date of the notification letter setting forth the Commission's decision. Regular mail is accepted, however, certified mail is strongly recommended.~~

~~(3) The claimant shall then be entitled to a formal hearing before the Commission.~~

~~(4) In an appeal hearing, all parties shall be afforded an opportunity to appear and be heard.~~

~~(5) The Commission may, without a hearing, settle a claim by stipulation, agreed settlement, consent order or default.~~

~~(6) The Commission shall render its decision relative to the appeal within ten (10) calendar days of the formal hearing and the applicant will be notified by mail.~~

~~(7) An impartial hearing officer from the attorney general's office shall be provided by the Commission to preside over all hearings and perform such parliamentary functions as said hearing officer deems necessary. Witnesses may also be subpoenaed when a timely request to do so is submitted by the victim/claimant.~~

~~(8) A certified court reporter shall be used to transcribe each appeal hearing. A record of the proceedings shall be made and shall be transcribed upon request of any party, who shall pay transcription costs unless otherwise ordered by the Commission.~~

~~(9) The victim or claimant forfeits his/her rights to an appeal if said victim requests a hearing and fails to appear without good cause.~~

Author: Dr. Cassie T. Jones

Statutory Authority: ALA. CODE § 15-23-5(14) (1995)

History: Filed May 13, 2014