

**STATE OF NORTH DAKOTA
DEPARTMENT OF VETERANS AFFAIRS
DEPARTMENT POLICIES**

SUBJECT: Hardship Assistance Grant - Appeals




POLICY NO:
405

DISTRIBUTION: Department Personnel
Veteran Service Officers

EFFECTIVE:
ACOVA Mtg
5/24/2019

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The rule authorizing the appeal procedure of an adverse decision of a Veterans Aid Loan or Hardship Assistance Grant is contained in N.D.C.C. § 37-14-12.

- 1) If an application is denied in whole or in part, the applicant shall be notified in writing. The Notice of Denial shall include the reason or reasons for the decision. The notice shall inform the applicant of the right to appeal the decision and shall include the appeal form (ND SFN 58964).
- 2) The appeal must be submitted on SFN 58964 and received by the Commissioner within thirty (30) calendar days of the Notice of Denial. Appeals shall contain a statement of the grounds for the appeal.
- 3) Appeals received by the Commissioner shall be reviewed by the Commissioner within fifteen (15) business days of receipt for reconsideration. If Commissioner upholds the denial the appeal along with all documents submitted with the appellant's appeal shall be forwarded to the ACOVA Appeals Subcommittee.
- 4) The Appeals Subcommittee Chairman shall set the time, date and place for a hearing. The appellant shall be given twenty (20) days' notice, unless waived, as to the time, date, and place of the appeal hearing. Hearings will be held telephonically unless otherwise noted. This notice will be sent by certified mail return receipt requested or by email with "Read" receipt.
- 5) A hearing before the appeals committee may be closed upon request of the applicant. An applicant who requests a closed hearing may invite to that hearing any two representatives and the applicant's spouse or one other family member. 
- 6) Each decision of the Appeals Subcommittee must state the reasons for granting or refusing an application for relief or assistance. Decisions shall be made based on the merits of the application and any additional information provided.  The Appeals Subcommittee members will make the final decision within ninety (90) days of the scheduled hearing.
- 7) The decision of the Appeals Subcommittee is final. The record of the hearing, including the identity of the applicant, is an exempt record. 

 = Required by Law