

OCT 01 1993

One Capitol Mall  
Little Rock, AR 72201

GOVERNMENTAL BONDING BOARD

RULE AND REGULATION 3

Appeals Procedure

Preamble.

On Monday, April 13, 1993 a Hearing was held to consider promulgation and adoption of this Rule and Regulation. Such Hearing was held pursuant to Notice published in the Arkansas Democrat-Gazette April 6 through April 12, 1993. The Governmental Bonding Board, by majority vote, promulgated this Rule and Regulation, Appeals Procedure, to wit:

1. Notice.

In the event a claim is approved in a modified form or denied, the Administrator of the Board shall notify the claimant by certified mail, return receipt requested, within fifteen (15) Calendar days of the Board's action, setting forth the basis for the Board's decision.

2. Claimant's Notices.

The claimant shall have the right to appeal and may do so by notifying the Administrator of the Board, 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.

3. Hearing.

The claimant shall then be entitled to a hearing before the Board. The Board shall hear the matter at its next regularly scheduled meeting.

4. Procedures.

In the appeal hearing, all parties shall be afforded an opportunity to appeal and be heard. A record of the proceedings shall be made and transcribed upon request of any party, who shall pay transcriptions costs unless otherwise ordered by the Board.

5. Settlement.

The Board may, without a hearing, settle a claim by stipulation, agreed settlement, consent order or default.

6. Decisions.


The Board shall render its decision relative to the appeal within ten (10) days of of the formal hearing and the claimant shall be notified by certified mail, return receipt requested, of the Board's decision.

7. Appeal.

Should the claimant wish to appeal the Board's final decision, the appeal must be filed within thirty (30) days of the receipt of the decision in the circuit court of Pulaski County or the circuit court in which the claimant is located, pursuant to the Administrative Procedure Act, §25-15-201 et seq.

8. Effective Date.

Under the emergency provision of Ark. Code Ann. §25-15-204(b) (Repl. 1992), it is hereby declared that the immediate adoption of this Rule is necessary to prevent any imminent peril to the public health, safety or welfare of the citizens of this State because there is not a Rule addressing these matters. Therefore, the effective date of this Rule is July 9, 1993.

  
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Lee Douglass, Arkansas Insurance Commissioner  
Chairman, Governmental Bonding Board

7-9-93

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DATE