{stdlongdate} Member ID: {stdMbrPERSLinkID}

{stdMbrFullName}

{stdMbrAdrCorStreet1}

{x stdMbrAdrCorStreet2}

{stdMbrAdrCorCity} {stdMbrAdrCorState} {stdMbrAdrCorZip}

**RE: DENIAL OF APPEAL – CASE #** **{CaseID}**

Dear {stdMbrSalutation}:

The purpose of this letter is to address your request to reconsider NDPERS’ denial of { AppealType} {CaseType}. I regret to inform you that we are unable to grant your request. However in reviewing your file and our statutes and rules, I note the following information:

{ qu ReasonPertainingToAppealType }

Our records show the following events:

|  |  |  |
| --- | --- | --- |
| **Step Name** | **Step Start Date** | **Step End Date** |
| { tb tbSteps } |  |  |

{if PetitionForReviewType = AppealProcess}

Due to the Board’s denial of your request, you have the option to file a petition for review under NDAC 71-03-05-05, as follows:

**71-03-05-05. Appeal process.**

If a member's benefits have been denied in whole or in part by the board or its agent, the member will be notified in writing of the denial and the reasons. Within sixty days of the date shown on the denial notice, the member may file a petition for review. The petition must be in writing, the reasons stated for disputing the denial and be accompanied by any documentation. Should the member filing a petition for review, or should the board or its agent desire information which cannot be presented satisfactorily by correspondence, the board or its designated appeals committee may schedule a hearing. The member filing the appeal will be notified in writing at least fifteen days prior to hearing of the time, date, and place. The board or its agent will render a decision as soon as possible, but not later than one hundred twenty days after the receipt of the petition for review. The decision will be in writing.

{endif}{if PetitionForReviewType = FormalReviewProcedure}

Due to the Board’s denial of your request, you have the option to file a petition for review under NDAC 71-02-09-02, as follows:

**71-02-09-02. Formal review procedure.**

If the initial decision is adverse to the applicant after exhausting the administrative procedure under section 71-02-09-01, the applicant may file a request for a formal hearing to be conducted under North Dakota Century Code chapter 28-32. The request for a formal hearing must be filed within thirty days after notice of the initial decision has been mailed or delivered. If an appeal for a formal hearing is not filed within the thirty-day period, the initial decision of the board is final. If a request for a formal hearing is timely filed, notice of the hearing must be served at least thirty days prior to the date set for the hearing. The board shall request appointment of an administrative law judge from the office of administrative hearings to conduct the hearing and make recommended findings of fact, conclusions of law, and order. The board shall either accept the administrative law judge's recommended findings of fact, conclusions of law, and order or adopt its own findings of fact, conclusions of law, and order. The applicant may under North Dakota Century Code section 28-32-42 appeal the final decision resulting from this procedure to the district court.

{endif}

If you have any questions, please call NDPERS at {stdNDPERSPhoneNumber} or {stdNDPERSTollFreePhoneNumber}.

Sincerely,

Scott A. Miller

Executive Director