503 KAR 5:120. Review of fund administrator's decisions; appeal to circuit court.

RELATES TO: KRS 15.410-15.510
STATUTORY AUTHORITY: KRS 15.450(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.510 provides for appeal to circuit court from a cabinet decision to withhold or terminate fund payments to local units. This administrative regulation expands on the appeal procedure and, in order to resolve potential court actions, establishes a procedure for administrative review of decisions made by the secretary's designated fund administrator or his designee.

Section 1. Administrative Review. A person or a local unit adversely affected by a decision of the secretary's designated fund administrator or his designee made pursuant to administration of the provisions of KRS 15.410 to 15.510 and these administrative regulations shall have the right to ask the secretary to review the decision. A request for a hearing shall be filed in writing with the secretary within thirty (30) days of receipt of written notification of the decision by the fund administrator or his designee. The secretary shall, within thirty (30) days of receipt of the request, decide if the request merits a hearing. If it is determined there are insufficient grounds for a hearing, the secretary shall notify the person or local unit in writing that the request has been denied. If a hearing is to be held, the secretary shall designate the time and place. The hearing shall be held within ninety (90) days of receipt of the request for a hearing, and it shall be conducted by the secretary or his designated hearing officer. If a hearing officer conducts the hearing, he shall submit findings of fact, conclusions of law and a recommended decision to the secretary. At the hearing, all parties to the controversy have the right to be heard publicly and to be represented by counsel, and all testimony shall be recorded. Within sixty (60) days following the hearing, the secretary shall issue a written opinion, a copy of which shall be provided to all parties. The decision of the secretary shall be final unless appealed into the court system.

Section 2. Appeal to Circuit Court. A person or local unit adversely affected by a decision of the secretary resulting from a hearing provided for in Section 1 of this administrative regulation, or by a decision of the secretary to deny a request for such a hearing, or by a decision of the secretary made pursuant to administration of the provisions of KRS 15.410 to 15.510 and these administrative regulations, shall have the right to appeal the secretary's decision to the circuit court of the county where the controversy originated.
(11 Ky.R. 1550; eff. 5-14-85; Crt eff. 2-25-2020.)