

H Appeals Board Review of Hearing Decision - Overview

The Appeals Board is responsible for conducting reviews for the following:

- ALL appellant requests for Petition to Review
- Any request for Petition to Review submitted by the Attorney General's Office on behalf of FAA

NA EXCEPTION

FAA cannot request an Appeals Board review of the fair hearing decision.

The Appeals Board reviews the [hearing record](#) and renders a final decision. The Appeals Board must exercise discretion to accept or decline jurisdiction to hear a case within 15 calendar days of the fair hearing decision.

NOTE The Appeals Board, may on its own initiative, conduct a review of any case before the Hearing Officer's decision becomes final.

The Appeals Board notifies the [Policy Support Team](#) (PST) of the results of the review. The PST reviews the notification and forwards the decision to the appropriate local office. The review may result in the following decisions:

- [AFFIRM](#)
- [REVERSE](#)
- [REMAND](#) to Hearing Office for additional evidence, rehearing, correction, or decision
- MODIFY or SET ASIDE a Hearing Officer's decision

Either FAA or the appellant may request that the Appeals Board review the original Appeals Board decision. The following actions must be completed to submit a request for review:

- The appellant must submit a request to the Appeals Board within 30 calendar days from the original Appeals Board decision

- FAA must submit the request following procedures for submitting a [Petition for Review](#)

NOTE FAA's request must be submitted to the Attorney General's office within ten calendar days from the date of the original Appeals Board decision.

When notified of a decision, and the Appeals Board notification is not available, request a copy of the notification from the PST.

The request submitted to the Appeals Board for review of its original decision must conform to the following:

- Be a written request memorandum
- State the reason why the Appeals Board decision is in error
- Reference appropriate record citations, rules, and other authority