**Section 337.110 Grounds for Dismissal of a Service Appeal Request**

a) The Administrator of the Administrative Hearings Unit shall dismiss a request for a service appeal for the following reasons:

1) the appellant failed to request an appeal within the time frames allowed. However, when timely or adequate notice was not provided in accordance with this Part, the appellants may appeal up to 45 days from the date they receive adequate notice of the Department's action or decision;

2) the appeal has been withdrawn in writing. If the appellant is unable to withdraw the appeal in writing, the Department or provider shall help the appellant put the withdrawal in writing;

3) the issue is not within the jurisdiction of the appeal system;

4) a court has made a judicial determination or issued an order on the issue being appealed. However, a juvenile court determination that a current foster home placement is necessary and appropriate does not constitute a judicial determination on the merits of a service appeal, filed by a former foster parent, involving a change of placement decision; or

5) the appellant has waived the right to a service appeal by abandoning his or her right, as defined in Section 337.160.

b) The Administrator of the Administrative Hearings Unit shall give written notice of the decision to grant or deny the request for an appeal within 10 calendar days of receipt of the request. If the Department finds that the issue is not an appealable issue under this Part, but may be appropriately heard through another appeal process (see 89 Ill. Adm. Code 435, Administrative Appeals and Hearings), the Department shall forward the request for appeal to the proper hearing authority and notify the appellant of this action.

(Source: Amended at 40 Ill. Reg. 13608, effective September 18, 2016)