**Section 518.40 Review Procedures**

Any aggrieved person may file a written request for review with the Regional Engineer in any case in which the person believes that the District has failed to properly consider his/her eligibility for relocation assistance advisory services or payments, or the amount of a payment required under this Part.

a) If relocation assistance advisory services, payments, or the amount of the payment is denied, in whole or in part, the District will notify the aggrieved person in writing of the denial or revised amount of the claim, including the basis for the District's determination. The written notification will also inform the person of his/her right to request a review of the determination by the Regional Engineer and will include the procedures to be followed when requesting a review.

b) An aggrieved person may file a written request for review within 90 calendar days after receipt of written notification of the District's determination. The request for review shall be filed with the Regional Engineer at the address provided in the written notification. If the aggrieved person does not file a request for review within 90 calendar days after receipt of written notification of the District's determination, the aggrieved person shall be deemed to have waived his/her opportunity to file a request for review. In that case, the determination will stand and the Division will take appropriate action to implement the determination and/or process the approved amount of the claim, if any, for payment. A written request for review will be considered regardless of form.

1) Upon receipt of the request for review, the Regional Engineer will assign a date and place for the review meeting. Written notification of the date and place will be provided to the aggrieved person by certified mail, return receipt requested, at least 10 days prior to the scheduled date for review. The Regional Engineer cannot have been directly involved in the actions being reviewed.

2) Prior to the review, the aggrieved person will be permitted to inspect and copy all materials pertinent to his/her review, except materials that are classified as confidential.

3) The aggrieved person, or a representative, will be afforded a full opportunity to be heard and to present information or documentation in support of his/her position. Representation by another person will be at the sole expense of the aggrieved person.

4) The Regional Engineer will render a decision based upon the facts presented and the law. Written notification of the decision will be sent by certified mail, return receipt requested, within 30 calendar days after the date of the review.

5) If the Regional Engineer's decision upholds the denial of eligibility for relocation assistance advisory services or payments, in whole or in part, the written notification will detail the reasons supporting the denial and will also advise the aggrieved person of his/her right, if dissatisfied with the decision, to request a final review by the Director. If the aggrieved person does not request a final review within 30 calendar days after written notification of the decision, the aggrieved person shall be deemed to have waived his/her opportunity to file a request for a final review. In that case, the Regional Engineer's decision will stand and the District will take appropriate action to implement the decision and/or process the approved amount of the claim, if any, for payment.

c) An aggrieved person may request a final review by notifying the Regional Engineer in writing at the address provided in the written notification of the decision. The Regional Engineer will forward the request to the Director. A written request for final review will be considered regardless of form.

1) Upon receipt of the request for a final review, the Director will assign a date and place for the final review meeting. Written notification of the date and place of the final review will be provided to the aggrieved person by certified mail, return receipt requested, at least 10 days prior to the scheduled date of the final review. The Director cannot have been directly involved in the action being reviewed.

2) The aggrieved person, or representative, will be afforded a full opportunity to be heard and to present information or documentation in support of his/her position. Representation by another person will be at the sole expense of the aggrieved person.

3) The disposition of the final review will be based upon the facts presented and the law. Written notification of the final decision and the reasons supporting the decision will be sent by certified mail, return receipt requested, within 30 calendar days after the date of the final review. The District will take appropriate action to implement the Director's determination and/or process the approved amount of the claim, if any, for payment.

4) The Director's decision is final. The aggrieved person will be advised of his/her right to seek redress through judicial review.

d) The Director may extend any time period provided in this Part for up to 30 days upon written request from either the aggrieved person or the Regional Engineer.