

# ADMINISTRATIVE appeals.

If you disagree with the decision of Crime Victims' Compensation (CVC) to deny your application for benefits, or if you disagree with a decision denying a specific benefit, or the amount of a benefit, you have the right to appeal the CVC decision. To

appeal, you should follow the instructions in this pamphlet, paying particular attention to the time limits within which you must send certain information. Please read this pamphlet thoroughly.



**GREG ABBOTT**  
Attorney General  
of Texas

## APPEALS to the district court

If your claim has been denied at the reconsideration and hearing levels, you then have the right to seek judicial review in district court. **You must file a written notice of dissatisfaction with CVC within 40 days of the date of the final ruling determination denying your claim or benefit, or you could lose your right to seek judicial review.** You or your attorney must then file a lawsuit in district court within 40 days of the date the written notice of dissatisfaction was received by us. If you have any questions or concerns about your right to appeal, please contact CVC.

Our address is:  
Appeals Section  
Crime Victim Services Division  
Office of the Attorney General  
P.O. Box 12198  
Austin, Texas 78711-2198

(800)983-9933 Statewide  
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[www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov)

## ADMINISTRATIVE APPEALS PROCESS



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

## WHAT IF MY

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## APPLICATION IS DENIED?

application is denied?

There are three steps in the appeals process, all governed by the Texas Code of Criminal Procedure, Chapter 56, and by Title 1 Texas Administrative Rules, Part III, Chapter 61. The first step, called **reconsideration**, is an informal way of resolving your claim. If you are dissatisfied with the reconsideration decision, you may request a **final ruling hearing**. This is a more formal procedure for which you may want to seek the advice of an attorney. Finally, if you disagree with the final ruling you have the right to seek judicial review in **district court**. CVC's appeals process is intended to be fair and just, and to ensure that administrative decisions are based not only on the letter of the law, but also on the intent of the Crime Victims' Compensation Act.

You must follow each step of the administrative appeals process in order to preserve your rights during each step of the appeal process.

### RECONSIDERATION

If you disagree with CVC's denial of your claim, your first step is to write a letter to CVC requesting that the decision be reconsidered. Be sure to explain why you disagree with the denial. **You must write to CVC within 30 days of the date of the letter denying your claim or bene-**

**fit, or you could lose your right to have your claim or benefit reconsidered.** Prior to reconsidering your claim, we will ask you to send us any additional information you believe supports your request for reconsideration. You must send this information to CVC within 30 days. An appeals officer will then review your claim, as well as any additional evidence you submit.

The appeals officer will review all the evidence in the file and, if necessary, request additional information and/or speak to the victim, claimant or witnesses. The appeals officer will, as soon as practicable, complete the reconsideration and provide written notification telling you whether your claim or benefit was approved or denied, and the reasons for the decision.

### FINAL RULING

If you are dissatisfied with the reconsideration decision of your claim, the next step in the appeals process is to appeal the reconsideration in writing and ask for a final ruling hearing. **You must write to CVC within 30 days of the date of the reconsideration letter denying your claim or benefit, or you could lose your right to a final ruling hearing.**

We will notify you at least 10 days before the hearing. A hearing will be conducted by telephone or video conference upon request and availability of technology. You must be present for the hearing. If you fail to be present, the final decision will be made by the hearings officer based on the available information. The hearing will not

be rescheduled. If you have an emergency and cannot attend the scheduled hearing for a valid reason, you must give us at least 48 hours notice for us to consider rescheduling your hearing.

### The procedures for the hearing are:

Prior to the hearing, you will be asked to gather information you need to support your claim. For example, if you are claiming loss of wages resulting from the crime, you must present evidence such as a doctor's statement of disability and verification from your employer. If you prevail in your hearing, CVC will determine the money amount to compensate your loss.

1. The hearings officer will begin by explaining the law and rules that apply to the hearing.
2. You or your representative will be asked to state your position on the issue; that is, you will explain why you believe your claim should be awarded.
3. You may present witnesses or documents to support your position. The hearings officer may ask witnesses to swear to their testimony, be cross-examined or to testify outside the presence of other witnesses.
4. In arriving at a decision, the hearings officer may consider relevant information even though that information might not be admissible in a court of law.
5. Finally, the hearings officer will notify you in writing of the decision and the reasons for the decision. You will also be advised of your right to appeal the final ruling to district court.