**Section 103.130 Department review and hearing process**

In order to assure that agencies have input and recourse to fiscal and programmatic decisions which directly affect them, a Department review and hearing process is established and available to each Department-funded agency:

a) Grant award re-evaluation process

1) An agency may request a review of the following decisions of the Department concerning an award of funds:

A) Differences or changes in the elements considered in the funding negotiations with the Department as specified in Section 103.90; or

B) Decisions which countermand previous commitments made to the agency.

2) The request shall be submitted in writing to the associate director of the appropriate program division within 45 days after the date of an executed or amended grant agreement and shall include the basis for the request.

3) Program division staff shall review the request and may request the agency to submit additional material. The program division staff shall render a written decision with 45 days after the date of the receipt of the request or of the additional material. The decision shall be mailed to the agency within 15 days after the completion of the review.

4) Program division staff may meet with the agency representatives for purposes of clarifying issues, seeking additional information, or attempting to resolve the matter.

b) Grant award hearing process

1) Agencies may submit a written request to the Department for a formal hearing only when resolution of the issues specified in subsection (a) of this Section is not in accordance with this Part.

2) A hearing may be requested by an agency not later than 30 days after the postmark date of the letter from the Department's program divisions informing the agency of the outcome of the review. The written request for a formal hearing must state specifically how the outcome was not in accordance with this Part.

3) Notice of hearing proceedings shall be in accordance with Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25].

4) The hearing shall be conducted by a Department hearing committee, appointed by the Secretary, and composed of an agency representative selected from a roster of authorized agency representatives and who is not objectionable to the appealing agency, the associate director for the applicable program division or his or her designee(s) and the Associate Director of Administrative Services or his or her designee, who shall chair the committee.

A) At the hearing, Department staff shall present written and oral evidence concerning the Department's decision. The agency may then present written or oral evidence.

B) The Department shall have the burden of proving that its decision was made in accordance with this Part.

C) The hearing officer shall uphold the Department's decision if he or she finds that the decision was supported by substantial evidence. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion.

5) The hearing shall be held not later than 45 days after receipt of the agency's request.

6) The finding(s) and decision of the hearing committee shall be made not later than 10 working days following the conclusion of the hearing proceedings and shall be sent to the agency via certified mail.

c) Secretary's review

1) If the agency is not satisfied with the committee's decision, it may request a review of the decision by the Secretary or his or her designee. Such request shall be made in writing to the Secretary within 20 days after receipt of the decision.

2) After receiving the request for review, the Secretary or his or her designee shall review the committee's decision and copies of all documents considered at the hearing. Within 20 working days after receipt of the request for review, the Secretary or his or her designee shall issue a written decision upholding, revising or modifying the committee's decision. Copies of the decision shall be sent to the Department and the agency.

3) The Secretary's or designee's decision shall constitute a final administrative decision, which is appealable in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

d) Grant issue resolution process – for adjustments during the year.

1) Issues other than those directly related to the annual grant award process and not an exception to this Part are to be resolved within the Department's existing program division structure.

2) An agency may request a review related to a specific issue once an impasse has been reached in its negotiations with that program division level of the Department to which it relates on a regular basis.

3) If the program division and the agency are unable to resolve the issue, the agency may submit a written request to the Secretary for review. The agency shall send a copy of this request to the relevant program division. The Secretary shall not act on a review request unless the program division review process previously described has been exhausted.

e) The Department and the agency shall comply with all timeframes for submission of information, response to submission of information, notice, review or hearing as outlined in this Section regarding audits. The agency may appeal the Department's failure to respond to timelines as outlined in this Section.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)