

## **3113 APPEALS**

- 3113.1 Any adverse decision (except a summary action pursuant to §3108) by the Director may be appealed to the Board of Appeals and Review by filing a petition with that Board, in accordance with its rules, within fifteen (15) days of the decision of the Director or such other time as the Board by rule may prescribe.
- 3113.2 In the absence of a timely appeals petition filed pursuant to §3113.1, the Director's decision shall be final and not subject to appeal.
- 3113.3 The review by the Board of Appeals and Review shall be on the record of the case established before the Director. There shall be no evidentiary hearing before the Board.
- 3113.4 The Board shall uphold the Director's decision unless it is arbitrary, capricious, not supported by substantial evidence or contrary to law.
- 3113.5 The filing of a petition for review shall not itself stay enforcement of an order.
- 3113.6 A person aggrieved by an adverse decision of the Director, which is upheld by the Board of Appeals and Review, may seek a review of the Director's decision by the District of Columbia Court of Appeals by filing a petition for review in that Court within thirty (30) days from receipt of the decision of the Board of Appeals and Review or such other time as the Court by rule may prescribe. Failure to seek judicial review in the manner and within the time prescribed by the rules of the D.C. Court of Appeals, shall result in the Director's decision becoming final.

SOURCE: Final Rulemaking published at 39 DCR 5098, 5114 (July 10, 1992).