

The hearing officer will notify you of the decision in writing and provide reasons for the decision. You will also be informed of your right to seek judicial review in state district court.

LEVEL 3. JUDICIAL REVIEW

If your application has been denied at the hearing level, you have the right to seek judicial review in state district court.

To appeal to district court, you must submit a "Written Notice of Dissatisfaction" with the Office of the Attorney General (OAG) within 40 days of the final ruling decision, 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 when the Written Notice of Dissatisfaction was received by the OAG. We recommend you seek the assistance of an attorney if you decide to appeal the Final Decision of the OAG.

If you have any questions or concerns about your right to appeal, please contact CVC.



BY LAW,
*an individual
who is denied by
Crime Victims'
Compensation
can appeal the
program's decision.*

CONTACT INFORMATION



OFFICE OF THE ATTORNEY GENERAL

CRIME VICTIM SERVICES DIVISION

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ADMINISTRATIVE APPEALS PROCESS



ADMINISTRATIVE APPEALS PROCESS

BY LAW, AN INDIVIDUAL WHO IS DENIED

BY CRIME VICTIMS' COMPENSATION

(CVC) CAN APPEAL THE PROGRAM'S

DECISION. AFTER YOU APPLY, CRIME

VICTIMS' COMPENSATION REVIEWS YOUR

INFORMATION AND DETERMINES IF YOU

ARE ELIGIBLE FOR COMPENSATION. IF

YOU ARE APPROVED, CVC WILL ALSO SEE

WHAT COSTS MAY BE COVERED. IF YOU

DISAGREE WITH THE DECISION ON YOUR

APPLICATION, YOU HAVE THE LEGAL

RIGHT TO APPEAL THE CVC DECISION.

You can appeal any portion of the decision –

including the original decision on the application,

whether a cost can be covered, or the compensation

amount. 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.

HOW TO APPEAL

There are three levels in the appeals process, all

governed by the Texas Code of Criminal Procedure,

Chapter 56, Subchapter B and by Title 1 Texas

Administrative Code, Part III, Chapter 61. If your

appeal is successful, you do not need to go to the

next level. If you have any questions about the

process, contact our office.

Remember, follow instructions and submit your

documentation within the time limits for each appeal

level process. If you fail to meet a deadline, you

could lose your right to appeal.

LEVEL 1. RECONSIDERATION REVIEW

The reconsideration review level is designed to be

an informal, efficient way of appealing the decision

by CVC. CVC will send you a written decision on your

application. If you disagree with that decision, you

may request that CVC reconsider it. This request

must be in the form of a signed letter explaining why

you disagree with the decision. You should include

any additional information you feel might support

your request. **The signed written request must be**

sent to us within 30 days of the date of the letter

denying your application or compensation unless

good cause is shown.

We will notify you in writing when we have received

and accepted your reconsideration request.

Upon accepting the request, we will review your

application – including all reports in the file, victim or

witness statements, and any additional information

you provide. Once the review is complete, we will

provide written notification telling you whether your

request was approved or denied and the reason for

the decision.

If after the reconsideration review, you still disagree

with our decision, you can request a Final Ruling

Hearing to have your appeal considered by

an attorney.

LEVEL 2. FINAL RULING HEARING

The hearing level is a formal opportunity to testify

and present additional information in support

of your position. **You must send us a letter**

within 30 days of the reconsideration decision

date to request a "final ruling hearing." If you

do not request a hearing within 30 days, the

reconsideration decision becomes binding, and you

waive the right to a hearing.

If the hearing request is accepted at least 10 days

before the hearing, we will notify you in writing of

the scheduled time and date. The hearing will be

conducted by phone, and the hearing officer will

have access to all documents in your CVC file. You

only need to provide the hearing officer with any

additional information you plan to discuss at the

hearing. If you don't participate in the hearing (by

phone), the hearing officer will make the decision

based on the available information. The hearing will

not be rescheduled unless you call us in advance

and request a change.

It's your responsibility to make arrangements to have

additional witnesses present for your hearing if you

need them. With advance notice, the hearing officer

can conduct a conference call so other individuals

can join the phone call.

Before the hearing, gather proof in support of your

application. For example, if you are claiming that a

crime prevented you from working, you may want

to provide a doctor's statement of disability or a

statement from your employer.

Procedures for a Final Ruling Hearing:

1. The hearing officer will explain the law and rules that apply to the hearing.
2. You (or your representative) will be asked to state your position - such as why you feel your application should be approved or you should receive compensation.
3. You may present witnesses or documents you have to support your position. The hearing officer may ask witnesses to swear to their testimony, be cross-examined, or to testify outside the presence of other witnesses.
4. The hearing officer may consider relevant information even though that information might not be admissible in a court of law.



APPEAL