

SUBCHAPTER 05E - DIVISION HEARINGS

SECTION .0100 - GENERAL

10A NCAC 05E .0101 DIVISION HEARINGS IN GENERAL

(a) The state Division of Aging has established a decision review process whereby certain persons aggrieved by an Area Agency on Aging final decision, who have exhausted local administrative remedies, who can demonstrate injury in fact, and whose petition contains the necessary facts to establish subject matter jurisdiction, may petition the state Division of Aging for a decision review hearing in accordance with and subject to these Rules and other recognized common law principles of judicial economy and restraint.

(b) Pursuant to federal statutes and regulations, the state Division of Aging has also established a decision review process whereby aggrieved Area Agencies on Aging, and eligible applicants denied designation as planning and service areas, may petition the state Division of Aging for a decision review hearing in accordance with and subject to these Rules.

(c) The Rules of Civil Procedure as contained in G.S. 1A-1 and the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes shall not apply in any hearings held by the state Division of Aging unless another specific statute or rule provides otherwise. Division of Aging hearings are not hearings within the meaning of G.S. Chapter 150B and will not be governed by the provisions of that Chapter unless otherwise stated in these Rules. Parties may be represented by counsel at all stages of the hearing process.

History Note: Authority G.S. 143B-10; 143B-138; 143B-181.1; 42 U.S.C., Sec. 3027(a)(5); 45 C.F.R., Part 1321; 45 C.F.R., Part 74, Appendix G; Eff. October 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.