

21 NCAC 12A .0906 PROCESSING OF CLAIM APPLICATION

(a) Staff shall refer a filed application for a claim to the Recovery Fund Review Committee. The Recovery Fund Review Committee is a committee made up of the following individuals:

- (1) one member of the Board;
- (2) the legal counsel of the Board; and
- (3) the Secretary-Treasurer.

(b) Within 30 days after service of a copy of the application upon the general contractor, the general contractor may file a response to the application setting forth answers and defenses. Responses shall be filed with the Board and copies shall be served on the applicant.

(c) The Committee shall dismiss a claim if an applicant fails to respond to an inquiry from the Committee or its representative within six months of receipt of the inquiry.

(d) After all preliminary evidence has been received, the Committee shall make a recommendation regarding the disposition of the application. From the evidence, it shall recommend to the Board that:

- (1) the application be dismissed as meritless; or
- (2) the application and charges contained therein be presented to the Board for a hearing and determination by the Board on the merits of the application.

(e) The Committee shall give notice of the recommendation to the applicant and the general contractor within 10 days of the Committee's decision. The Committee is not required to notify the parties of the reasons for its recommendation. The decision of the Board is final.

*History Note: Authority G.S. 87-4; 87-15.6; 87-15.7; 87-15.8;
Eff. January 4, 1993;
Amended Eff. April 1, 2014; April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;
Recodified from 21 NCAC 12 .0906 Eff. January 2, 2020.*