

THE BOARD SHALL HEAR AND DETERMINE APPEALS FROM ANY DECISION OF THE SECRETARY OR ANY POSITION OR UNIT WITHIN THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW UNDER THE ADMINISTRATIVE PROCEDURE ACT OR ANY OTHER PROVISION OF LAW. THE BOARD ALSO SHALL HEAR AND DETERMINE ANY APPEAL FROM ACTION OR FAILURE TO ACT OF ANY POSITION OR UNIT WITHIN THE DEPARTMENT FOR WHICH THE SECRETARY, BY RULE OR REGULATION, PROVIDES FOR REVIEW BY THE BOARD. THE BOARD SHALL REPORT AT LEAST ANNUALLY TO THE SECRETARY. ITS REPORT SHALL INCORPORATE A SUMMARY BY CATEGORIES OF APPEALS HEARD AND DETERMINATIONS MADE. A BOARD MEMBER MAY NOT PARTICIPATE IN ANY DETERMINATION OR VOTE IN ANY PROCEEDING AS TO WHICH HE HAS, DIRECTLY OR INDIRECTLY, A PRIVATE INTEREST.

REVISOR'S NOTE: This section presently appears as Art. 41, §436(k) of the Code. The only changes made are in style.

SEC. 2-405. APPEALS TO BOARD OF REVIEW.

(A) RIGHT OF APPEAL.

ANY PERSON AGGRIEVED BY ANY DECISION, ACTION, OR FAILURE TO ACT ON THE PART OF THE SECRETARY OR ANY POSITION OR UNIT WITHIN THE DEPARTMENT FOR WHICH AN APPEAL TO THE BOARD OF REVIEW OF THE DEPARTMENT IS PROVIDED BY THIS SUBTITLE, IS ENTITLED TO APPEAL.

(B) NOTICE TO DEPARTMENT.

PRIOR TO THE COMMENCEMENT OF AN APPEAL, THE PERSON AGGRIEVED SHALL MAKE KNOWN THE BASIS OF HIS COMPLAINT TO THE INDIVIDUAL RESPONSIBLE FOR THE DECISION, ACTION, OR NON-ACTION COMPLAINED OF, TOGETHER WITH A REQUEST FOR REVIEW. IF A RESOLUTION SATISFACTORY TO THE PERSON AGGRIEVED DOES NOT OCCUR WITHIN 30 DAYS OF THE REQUEST, THE COMPLAINANT MAY APPEAL TO THE BOARD.

(C) STATEMENT FILED WITH SECRETARY.

THE COMPLAINANT SHALL FILE A WRITTEN STATEMENT CONCISELY SETTING FORTH THE NATURE OF THE COMPLAINT AND THE RELEVANT FACTS AND CIRCUMSTANCES. THE COMPLAINT SHALL BE FILED WITH THE SECRETARY WHO SHALL ACKNOWLEDGE PROMPTLY IN WRITING ITS RECEIPT.

(D) INVESTIGATION AND RECORD.