

Defined terms: "Board" § 10-301
"Inmate" § 1-101

10-309. JUDICIAL REVIEW.

(A) RIGHT TO JUDICIAL REVIEW BY CLAIMANT.

(1) A CLAIMANT AGGRIEVED BY A FINAL DETERMINATION OF THE BOARD MAY FILE A PETITION FOR JUDICIAL REVIEW IN THE CIRCUIT COURT OF THE COUNTY WHERE THE INJURY OCCURRED OR WHERE THE CLAIMANT RESIDES.

(2) THE BOARD MAY BE A PARTY TO THE ACTION.

(B) DECISION BY CIRCUIT COURT.

THE CIRCUIT COURT MAY:

(1) AFFIRM THE BOARD'S DETERMINATION;

(2) REVERSE OR MODIFY A DETERMINATION IT FINDS TO BE ARBITRARY OR UNREASONABLE; OR

(3) REMAND THE CASE AND DIRECT THE BOARD TO CONSIDER THE MATTER FURTHER OR MAKE ADDITIONAL FINDINGS OF FACT.

(C) APPEAL TO COURT OF SPECIAL APPEALS.

THE CLAIMANT OR THE BOARD MAY APPEAL A DECISION OF THE CIRCUIT COURT TO THE COURT OF SPECIAL APPEALS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-701(h).

In subsection (a)(1) of this section, the reference to seeking "judicial review" is substituted for the former permission to "appeal" for accuracy. Correspondingly, in subsection (a)(2) of this section, the reference to an "action" is substituted for the former reference to an "appeal".

In subsection (b) of this section, the former reference to the court's authority to "render decision accordingly" is deleted as implicit in the court's authority to "affirm the Board's determination", "reverse or modify a determination", or "remand the case".

In subsection (b)(1) of this section, the reference to the court's authority to "affirm" the Board's determination is substituted for the former reference to the court's authority to "uphold" the Board's determination for consistency with § 10-209(c)(1) of this title.

GENERAL REVISOR'S NOTE TO SUBTITLE: The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that this subtitle does not include explicit authority for the Sundry Claims Board to adopt regulations. Nevertheless, the Board has