**Section 12.40 Appeal Procedures**

a) If a claim for payment is denied, in whole or in part, the Division will notify the displaced person or business in writing within 30 calendar days after receipt of the claim. This notification will also inform the person of the right to request a review of the denial by the Chief of Airport Engineering.

b) A displaced person may file a written request for review within 60 calendar days after receipt of written notification denying the claim. The request for review shall be filed with the Chief of Airport Engineering at #1 Langhorne Bond Drive, Springfield, Illinois 62707, (217) 785-8514, Fax #: (217) 785-4533. If the displaced person does not file a request for review within 60 calendar days after receipt of written notification denying the claim, the displaced person shall be deemed to have waived his/her opportunity to file a request for review. In that case, the approved amount of the claim, if any, will be processed for payment.

1) The Division will consider a written request for review regardless of form. Upon receipt of the request for review, the Chief of Airport Engineering will assign a date and place for the review meeting. Written notification of the date and place will be provided to the displaced person in person or by certified mail, return receipt requested, at least 10 days prior to the scheduled date for review. The Chief of Airport Engineering will designate a person to conduct the review who was not directly involved in the action being reviewed.

2) Prior to the review, the displaced person will be permitted to inspect and copy all materials pertinent to his/her review in accordance with the Freedom of Information Act [5 ILCS 140].

3) The displaced person, or a representative, will be afforded a full opportunity to be heard and to present information or documentation in support of the claim for payment. Representation by another person will be at the sole expense of the displaced person.

4) The Chief of Airport Engineering will determine an appropriate payment based upon the facts presented and the law. Written notification of the decision by the Chief of Airport Engineering will be sent by certified mail, return receipt requested, within 15 calendar days after the date of the review.

5) If the Chief of Airport Engineering's decision upholds the denial of payment, in whole or in part, the written notification will detail the reasons supporting the denial and will also advise the displaced person of his/her right to request a final review by the Director if he/she is dissatisfied with the review findings of the Chief of Airport Engineering. If the displaced person does not request a final review within 15 calendar days after written notification of the denial has been sent by the Chief of Airport Engineering, the displaced person shall be deemed to have waived his/her opportunity to file a request for a final review.

A) A displaced person may request a final review, by notifying the Director in writing at the address provided in subsection (b) of this Section.

B) Upon receipt of the request for a final review, the Director will assign a date and place for the final review meeting. Written notification of the date and place of the final review will be delivered either in person or by certified mail, return receipt requested, at least 10 days prior to the scheduled date for final review. The Director will designate a person to conduct the review who was not directly involved in the action being reviewed.

C) The displaced person, or representative, will be afforded a full opportunity to be heard and to present information or documentation in support of the claim for payment. Representation by another person will be at the sole expense of the displaced person.

D) The Director will determine the final disposition of the payment based upon the facts presented and the law. Written notification of the Director's decision and the reasons supporting his/her decision will be sent by certified mail, return receipt requested, within 15 calendar days after the date of the final review.

E) The decision by the Director is final. The displaced person will be advised of his/her right to seek redress through judicial review.

c) The Division will promptly resolve all appeals. However, the Director may extend any time period provided in this Part for up to 30 days upon written request from either the displaced person or the Chief of Airport Engineering.