



GEORGIA STATE PUBLIC OFFICERS INDEMNIFICATION PROGRAM APPEALS OF INITIAL DECISIONS

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Approved By: Rebecca N. Sullivan
Rebecca N. Sullivan, Commissioner

OVERVIEW

The State of Georgia provides financial compensation for designated public officers who are disabled or killed in the line of duty in recognition of the unique hazards inherent in certain public occupations. The Georgia State Indemnification Program and Fund are established by O.C.G.A. § 45-9-80 *et seq.* and administered by the Department of Administrative Services (“DOAS” or “the Department”). The DOAS Commissioner or his/her designee is authorized under law to consider appeals of initial decisions of the Department to correct errors made in approving or denying any claim for indemnification benefits.

These Rules are enacted under the authority in O.C.G.A. § 45-9-84 to provide the process and procedure for requesting a formal review and appeal of initial decisions of the Department on indemnification benefit claims.

REFERENCES

- O.C.G.A. § 45-9-80, *et seq.* – Georgia State Indemnification Fund
- O.C.G.A. § 45-9-84 – Appeals of Department Decisions
- O.C.G.A. § 45-9-85 – Payment of Indemnification for Death or Disability; Procedure for Making Payments; Appeal

POLICY

1. Requests for Formal Review and Appeal

1-1 A claimant may file a written request for formal review and appeal of the Department’s initial decision. Requests for formal review and appeal and any additional documentation must be submitted via email to risk.management@doas.ga.gov or via mail or hand delivery to Attn: RMS Indemnification Program, 200 Piedmont Ave, S.E., Suite 1220, West Tower, Atlanta, Georgia 30334-9010.

1-2 The request must be received by the Department no later than 60 calendar days following the claimant’s receipt of the initial decision. In the event a timely request is not received, the initial decision shall be the final decision of the Department.

1-3 Requests for formal review and appeal must be submitted in writing and at a minimum include the following:

- 1-3-1 The name, address, email address, and phone number of the appellant;
- 1-3-2 The name, address, email address, and phone number of any surviving eligible children and/or dependents;
- 1-3-3 A statement of the alleged errors in the Department's initial decision; and,
- 1-3-4 A statement as to whether an oral presentation before the Commissioner or his/her designee is requested and whether the oral presentation is requested to be conducted before a court reporter, if applicable.

1-4 All supporting documentation or additional information that the appellant wishes to be taken into consideration must be submitted in writing not less than 45 calendar days after the request for formal review and appeal. The DOAS Commissioner or his/her designee may solicit additional information from the appellant or other persons at any time prior to the issuance of the final decision or extend the deadlines for good cause shown.

2. Oral Presentation

2-1 An oral presentation is not mandatory or required for reconsideration of a denied claim. If oral presentation is not requested, the Commissioner or his/her designee will render a final decision based on the Department's claim file and any additional documents that are submitted to the Department pursuant to Section 1-4.

2-2 The Commissioner or his/her designee may grant or deny an oral presentation request in his/her sole discretion. Reasons for denying or waiving a request for oral presentation include:

2-2-1 Failure to Appear: Any failure of an appellant or his/her representative to appear at the scheduled oral presentation constitutes a waiver of the opportunity for an oral presentation and the request for an oral presentation will be considered withdrawn.

2-2-2 Failure to Cooperate: All requests for an oral presentation are subject to cooperation with the Department's investigation of the claim and appeal. An appellant's failure to cooperate with requests for information from the Department may constitute a waiver of the opportunity for an oral presentation and any request for an oral presentation to be considered withdrawn.

2-3 In the event a request for oral presentation is granted, the DOAS Commissioner or his/her designee shall issue a scheduling order identifying whether the DOAS Commissioner or his/her designee will act as presiding officer and providing the date, time, and location of the oral presentation. Oral presentations may be conducted in person or via teleconference at the discretion of the DOAS Commissioner or his/her designee.

2-4 The appellant is permitted to have an attorney or other representative present on his/her behalf but is not required to do so. Only the appellant or a representative may make an oral presentation to the DOAS Commissioner or his/her designee.

3. Final Decision

3-1 The Commissioner or his/her designee will reconsider the claim, including any newly submitted or presented information, to determine whether the Department made an error of material fact or an abuse of discretion in the initial decision.

3-2 The Commissioner or his/her designee will issue a final decision and Order as expeditiously as possible after receiving all relevant requested information and/or the conclusion of an oral presentation.

3-3 The final decision of the Commissioner or his/her designee shall be the final decision of the Department and no motion for reconsideration shall be considered.

3-4 Any appeal of the final decision of the Commissioner or his/her designee shall be to superior court for judicial review as set forth in Chapter 3 of Title 5, the “Superior and State Court Appellate Practice Act.”

Revision History

These Rules were published on November 6, 2023, and may be revised as necessary.

Version	Date
1.0	November 6, 2023