

# YOUR RIGHT TO APPEAL

If Your Claim Has Been Denied



CALIFORNIA VICTIM COMPENSATION PROGRAM



This brochure provides general answers to the most frequently asked questions from applicants and their representatives regarding administrative hearings before the Victim Compensation and Government Claims Board (VCGCB). It is not intended as legal advice. We hope that this information will help you better understand the hearing process and prepare you for your hearing.

It is very important for you to carefully read all documents provided to you by VCGCB. The documents provide information about the issues involved, what deadlines you must meet and what rights you have to request a hearing.

## WHAT IS AN APPEAL?

After you apply for compensation, the California Victim Compensation Program (CalVCP) reviews your application and makes a written recommendation to the three-person Board (the Board) about whether you qualify for compensation. CalVCP also reviews each request for reimbursement that is submitted and makes a recommendation about whether it qualifies for payment. When CalVCP makes a recommendation regarding your claim, you will be advised in writing.

If CalVCP staff recommends denial of your application or request for reimbursement, you have the right to appeal the recommendation. Filing an appeal means that you are asking the Board to reevaluate the recommendation made on your application or request for reimbursement.

## HOW DO I APPEAL?

Appeals must be filed within 45 days of the notice of the staff recommendation. Appeals must also be submitted in writing. You may file an appeal if:

- Staff recommends denial of your application or request for reimbursement in whole.
- Staff recommends denial of your application or request for reimbursement in part.

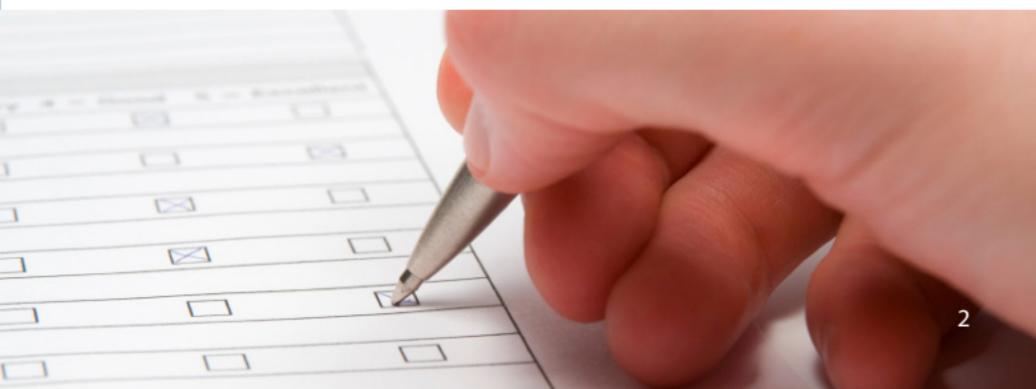
You may use the appeal form we send you or write us a letter explaining why you believe your application or request for reimbursement should be approved. Sign, date and return the appeal form or letter within 45 days. Send your appeal form or letter to:

### **California Victim Compensation Program**

Legal and Appeals Office

P.O. Box 350

Sacramento, CA 95812



## WHAT HAPPENS AFTER I APPEAL?

The Legal and Appeals Office will review all the information in your application, as well as any new information you submit, to determine whether you will receive a hearing on the written record or an oral hearing. You will be advised in writing which type of hearing you will receive.

## HOW IS MY HEARING SCHEDULED?

If it is determined that you are receiving a hearing on the written record, you will be given 30 days to submit written materials that explain why your application or request for reimbursement should be approved. A hearing officer will review any written materials you submit within that time period.

If it is determined that you are receiving an oral hearing, you will be advised in writing of the date and time of the hearing. Most hearings are conducted over the phone. Your written notification will also include the phone number we will use to call you for the hearing, however, if this phone number is not current, please let us know immediately. Alternately, you may request an in-person hearing.



## HOW DO I PREPARE FOR THE HEARING?

It is important that you appear at and are prepared for the hearing (whether by phone or in person). To prepare for the hearing you may want to:

- Review the information provided in the letter sent to you by the Legal and Appeals Office.
- Gather any additional information for the hearing officer that will help support your appeal. Be ready to discuss why you think the original recommendation on your application or request for reimbursement should be changed.
- Have documents, witnesses or supporting information available during the hearing.
- Allow at least 60 minutes of uninterrupted time.
- Be sure to be available at the time of your hearing. If you are not available, we will take action without the benefit of your testimony.

## WHAT IF I NEED TO CHANGE MY HEARING DATE?

As soon as the need arises, you should contact us in writing and ask for a different hearing date and state the reason for the change. You must show good cause to change a hearing date.

## WHAT HAPPENS AT MY HEARING?

A hearing officer will conduct the hearing on behalf of the Board. The hearing is informal; however, you and your witnesses will be asked to swear or affirm that the statements given are true. The hearings are recorded in order to save your testimony as part of the record.

Additionally:

- The hearing officer may ask you questions.
- You will get a chance to explain why you believe your application or request for reimbursement should be approved.
- You may present witnesses who can give information to support your application.
- A representative may also attend the hearing with you, or on your behalf.

## WHAT HAPPENS AFTER MY HEARING?

After your hearing, the hearing officer will write a proposed decision.

The hearing officer's proposed decision will be presented to the Board who may adopt the proposed decision, change it, reject it or send the matter back to the hearing officer for further review. After the Board makes a decision, a copy of the decision will be sent to you.

## WHAT IF I NEED AN INTERPRETER?

If you require an interpreter, please contact us at **888.883.3593** as soon as possible so that arrangements may be made.

## WHO DO I CONTACT IF I HAVE QUESTIONS REGARDING MY APPEAL?

Our goal is to provide responsive service to help you better understand the hearing process and prepare you for your hearing. Further information regarding the hearing procedures may be found on the CalVCP website at **[vcgcb.ca.gov/law/appeals](http://vcgcb.ca.gov/law/appeals)**.

Additionally, you may contact CalVCP at **800.777.9229** or the Legal and Appeals Office at **888.883.3593**.





## California Victim Compensation Program

P.O. Box 3036  
Sacramento California 95812-3036  
800.777.9229  
[www.calvcp.ca.gov](http://www.calvcp.ca.gov)

Deaf and hard of hearing: Please call the  
California Relay Service at 711.

