



Form EXAM 970

## Appeal Policy And Procedures

**As amended by the Board of Directors, April 2006, October 2008, September 2011,  
July 2012, November 2014, September 2017 and August 2018.**

### Appeal Procedure

- A. In order for a person to appeal an adverse decision of the AVDC, s/he must submit a petition, in writing, to the Executive Director of the AVDC.
- B. The **petition** shall include a statement of the grounds for reconsideration and documentation, a letter from their residency director acknowledging an appeal has been submitted and the director's statement in support or not in support of the appeal and if any, in support of the petition. The petition must be received by the Executive Director within **20 days** of the date on which AVDC informed the affected party of the AVDC adverse decision.
- C. **Grounds for an Appeal:** The affected party may petition for reconsideration or review of the AVDC's decision on the grounds that the AVDC has ruled erroneously by:
  - a. Disregarding the established AVDC criteria for certification or approval.
  - b. Failing to follow its stated procedures.
  - c. Failing to consider relevant evidence and documentation presented.
- D. **Board Action Following Receipt of an Appeal by AVDC:** Appeals of adverse decisions shall initially be considered by the Board of Directors, who may make a summary decision in favor of the petitioner. If a summary decision in favor of the petitioner is not made by the Board, the appeal is referred by the Board to the Appeals Committee.
- E. The **Appeals Committee** shall investigate appeals of adverse decisions referred to it by the Board of Directors. As per By-Laws Article I, Section 2, item A, the Appeals Committee shall be composed of four members appointed by the AVDC Board of Directors, one of whom shall be appointed as Chairperson. No member of the Appeals Committee may be an AVDC Officer or Member of the Board of Directors, and no diplomate directly involved with the adverse decision or the petitioner may be a member of the Appeals Committee panel for that appeal. If a member of the Appeals Committee has to be recused from participation in the review of an appeal for any reason, the Board of Directors shall appoint another diplomate to the Appeals Committee panel for that appeal.
- F. The Appeals Committee shall be charged by the Board of Directors within **5 days** of receipt of the petition.
- G. The Appeals Committee, once charged by the Board of Directors, shall investigate the appeal documents.
- H. The Appeals Committee, at its discretion, may choose to invite the petitioner to attend a hearing of the Appeals Committee on the appeal at a mutually convenient time and place, providing reasonable notice of the time and place to the petitioner by certified mail. AVDC will not reimburse travel expenses resulting from a hearing incurred by the petitioner.
- I. **Decision on the Appeal:** After reviewing the notice of appeal, supporting documentation and other relevant material, and following a hearing if held, the Appeals Committee panel shall make a decision on the appeal in a report to the Board of Directors within a time period which shall not exceed **21 days**.
- J. The Board of Directors will accept the Appeals Committee report and direct the Executive Director to report the decision on the appeal to the petitioner.
- K. The Executive Director shall notify the petitioner of the AVDC's final decision in writing by certified mail within **5 days** of receipt of the report from the Appeals Committee (maximum of 31 days from receipt by AVDC of the petition to reconsider).
- L. All correspondence and inquires with regard to adverse decisions or appeals are to be submitted in writing, to the Executive Director of the AVDC.

<b>Time Permitted for Appeals Processes</b> Step	Number of Days Permitted Per Step	Maximum Cumulative Days From Transmission of Adverse Decision to Petitioner	Maximum Cumulative Days From Receipt of Appeal
Transmittal of adverse decision by AVDC to petitioner	-	-	-
Preparation of the appeal by the petitioner and submission to AVDC	<b>20</b>	<b>20</b>	-
Initial AVDC Board consideration of the appeal and transmittal of charge to Appeals Committee	<b>5</b>	<b>25</b>	<b>5</b>
Appeals Committee consideration of appeal and transmittal of report to Board	<b>21</b>	<b>46</b>	<b>26</b>
Board consideration of report from Appeals Committee and transmittal of decision to the petitioner.	<b>5</b>	<b>51</b>	<b>31</b>