

**40.120 Notice of disapproval of claim to be sent to claimant -- Review procedure.**

- (1) If a claim is disapproved, the administrator shall send a notice of such decision to the claimant by mail at the address shown in the application. The notice shall be in such form as the administrator may determine, shall contain a designation of the reason for disapproval, shall inform the claimant of his or her right to seek review, shall have attached such form of request for review as the administrator may prescribe, and shall give information as to procedure for review.
- (2) Application for review of the administrator's disapproval shall be made only on the forms prescribed and furnished by the administrator; and shall be received in the office of the administrator by the closing hour in the thirtieth day after the day upon which the notice of the disapproval is mailed by the administrator, or be forever barred.
- (3) Upon receiving an application for review, the administrator shall transmit the same, together with the original application and all papers in the case, to the board of review, hereinafter created.
- (4) The board of review shall promptly consider the same evidence which was available to the administrator, and shall promptly enter in the case file its decision either finally affirming the administrator's decision, or finally determining the claim and the amount thereof.
- (5) The board of review shall send a notice of its decision to the claimant by certified mail, return receipt requested, and shall return the case file to the administrator. The decision of the board of review shall be a final determination of the claim shown in the application. There shall be no right of recourse on the part of the claimant or the administrator in any court.

**Effective:** July 15, 1960

**History:** Amended 1980 Ky. Acts ch. 114, sec. 6, effective July 15, 1960. -- Amended 1974 Ky. Acts ch. 315, sec. 3. -- Created 1960 Ky. Acts ch. 15, sec. 12.