

DEPARTMENT OF NATURAL RESOURCES

REAL ESTATE DIVISION

RELOCATION ASSISTANCE

(By authority conferred on the natural resources commission by section 7 of Act No. 227 of the Public Acts of 1972, being S213.327 of the Michigan Compiled Laws)

R 299.951 Definitions.

Rule 1. (1) "Commission" means the natural resources commission.

(2) "Department" means the department of natural resources.

(3) "Uniform act" means the uniform relocation assistance and real property acquisition policies act of 1970, Public Law 91-646.

(4) "Aggrieved relocatee" means a person who may be entitled to a determination pursuant to the uniform act and who is dissatisfied with the determination with regard to their eligibility for benefits or the amount of the benefit.

(5) "Person" means an individual, partnership, corporation, or association.

History: 1979 AC.

R 299.952 Aggrieved relocatee's options.

Rule 2. (1) An aggrieved relocatee who wishes to contest a determination made concerning either eligibility for benefits or the amount of benefits due pursuant to the uniform act may either:

(a) File a written objection with the department's land acquisition supervisor.

(b) Appear before the department's land acquisition supervisor and present his objection orally.

(2) An objection, whether written or oral, shall be filed or presented within 6 months after the aggrieved relocatee is given written notice of the determination to which objection is made.

(3) The land acquisition supervisor shall give written notice of his decision by registered mail within 30 days after receipt of a written or oral objection.

History: 1979 AC.

R 299.953 Hearing by department.

Rule 3. An aggrieved relocatee who wishes to contest the land acquisition supervisor's written decision may file a written objection with the department and may appear before the department to present an objection after written decision of the land acquisition supervisor. The objection shall be filed within 30 days after written notice by the land acquisition supervisor. A personal appearance shall be scheduled after a written request by the aggrieved relocatee. The hearing shall be conducted by a 3-

member appeals committee appointed by the director of the department. One member of the committee shall be designated as hearings officer. The aggrieved relocatee may represent himself at the hearing or be represented by legal counsel. The department may be represented by the attorney general.

History: 1979 AC.

R 299.954 Opening statements; evidence; witnesses.

Rule 4. (1) The hearing shall be opened by the hearings officer with a concise statement of the hearing's nature and purpose. The hearings officer shall follow the rules of evidence applicable to circuit court proceedings. However, the hearings officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs.

(2) Documentary evidence may be received in the form of copies, excerpts or by incorporation by reference.

(3) The aggrieved relocatee, the department and the appeals committee may examine witnesses.

History: 1979 AC.

R 299.955 Exhibits; form; submission.

Rule 5. (1) Evidence to be presented, consisting of matters so complex as to make the presentation difficult to follow, may be presented in exhibit form, supplemented and explained, but not duplicated by oral testimony.

(2) An exhibit shall be numbered in numerical sequence and an exhibit of 2 or more pages shall be stapled together and notation made at the top of the first page as to the number of pages contained therein. A party introducing documentary exhibits shall furnish 3 copies to the hearings officer.

(3) Additional documentary evidence may be submitted subsequent to the closing of the hearing upon stipulation of the parties.

History: 1979 AC.

R 299.956 Arguments and decisions.

Rule 6. (1) After all of the evidence is entered in the record, the aggrieved relocatee and the department may summarize their arguments and the hearing shall be closed.

(2) Within 30 days after the hearing, the hearings officer shall send a written notice of the appeals committee's decision by registered mail to the aggrieved relocatee. The written notice shall contain the reasons supporting the decision. A copy of the hearing transcript shall be available upon request.

History: 1979 AC.

R 299.957 Appeals to commission.

Rule 7. (1) The decision of the appeals committee may be appealed to the commission if written notice of appeal is filed by the aggrieved relocatee with the commission within 30 days after the hearing officer renders a decision.

(2) On appeal to the commission, additional written evidence may be filed by the aggrieved relocatee and by the department within 10 days after filing the notice of appeal of the appeals committee's decision. In rendering its decision, the commission shall consider the entire hearing record, and additional written evidence which may have been filed by the aggrieved relocatee or the department. The commission may request the aggrieved relocatee to personally appear. The commission shall inform the aggrieved relocatee and the department of its decision on the appeal by sending them a copy of its written decision within 30 days after the commission meets following the filing of additional written evidence.

(3) The decision of the commission shall be subject to judicial review by the appropriate state or federal court as provided by statutes and court rules.

History: 1979 AC.