

## **DACNB: Complaints/Appeals of Examination**

1. The Board must receive Complaints/Appeals within three (3) months of the mailing date of exam results to be considered.
2. The cost of reviewing failed parts of the examination will be non-refundable and set annually by the Board.

### **Disposition of Complaints:**

If a complaint or dispute arises questioning a Board action the following actions are to take place.

1. Administrative adjudication of a complaint/dispute.
2. The complainant shall specifically state the complaint in writing and submit this document to the Board Secretary for response by the Board.
3. The Board shall respond within thirty (30) days to the submitted complaint.
4. The complainant shall then have thirty (30) days to respond to the report of the Board and submit additional information supportive of his complaint.
5. The Board shall then have thirty (30) days to respond to the complaint and additional information being submitted.
6. The complainant shall then have thirty (30) days to request an Appeal for a Full Review Board.

### **Appeal to a full Review Board**

1. Formation. If the administrative adjudication is unsuccessful and the complainant requests it in writing, then a Review Board shall be formed consisting of a Diplomate of the American Chiropractic Neurology Board in good standing who is not a member of the Board; an individual who is either an attorney or trained in law, such as an arbitrator or hearing officer, designated by the Board, an individual designated by the complainant.
2. Procedure. The Chair of the Review Board shall be the person designated by the Board. The Review Board shall remain neutral and shall act as a judicial tribunal to hear the dispute. The Review Board shall set a date for a hearing and conduct a hearing at which time the Board shall make a presentation concerning the dispute and the complainant or representative thereof shall make a presentation concerning the dispute. Witnesses, testimony and other evidence shall be presented to the Review Board for its consideration. The Review Board shall make a finding of facts and conclusions binding all parties, within sixty (60) days of the hearing.
3. Costs. All costs for the Review Board proceedings shall be borne and paid by the non-prevailing party, including but not limited to attorney's fees and per diem expenses and remuneration of Review Board members and witnesses. In order to initiate the proceedings, the complaining party shall post with the Board a bond in the amount of fifteen thousand dollars (\$15,000 U.S.), unless, upon showing of good cause, the Board determines a lesser amount appropriate. If the complaining party does not prevail, the bond amount shall be applied to the Board's costs and attorneys' fees, and any balance shall be returned. Any costs and attorneys' fees exceeding the bond amount shall be paid by, and may be recovered against, the complaining party.