

**SUBCHAPTER 24C - INITIAL APPEALS FROM DETERMINATION**

**SECTION .0100 – GENERAL INITIAL APPEALS INFORMATION**

**04 NCAC 24C .0101 APPEAL DATE ESTABLISHED BY TESTIMONY**

- (a) A party shall be allowed to establish an appeal date earlier than a postal meter date, or the date of a document only in the face of clear and convincing evidence.
- (b) When a party alleges filing an appeal that DES never received, the party shall present clear and convincing evidence of a timely filing, which may be corroborated by testimony or physical evidence linked to the appeal in question.
- (c) The Appeals Referee shall allow cross-examination to establish timeliness of an appeal consistent with 04 NCAC 24A .0106.

*History Note:* Authority G.S. 96-4; 96-15;  
Eff. July 1, 2015.