**SAMPLE LETTER**

**Veteran Not Selected, Reason & Notice of Appeal Rights by Certified Mail**

**(Required in NDCC 37-19.1, effective 8/1/09)**

Dear (name):

This is to inform you that you were not selected for the position of (title) in the (employing unit) of the (Agency). Thank you for your time and effort in the application process.

You were not selected for this position because (reasons).

North Dakota Century Code, Chapter 37-19.1-04 provides that a veteran, or a qualified veteran's spouse, who was not selected for a position, has the right to request an appeal hearing. Your request for a hearing must be in writing and must be filed by certified mail and received in the Commissioner of Veterans’ Affairs office by five p.m. within fifteen days of receipt of this letter. You must include a copy of this notification letter. Your request must be delivered by certified mail to:

COMMISSIONER OF VETERANS’ AFFAIRS

PO BOX 9003

FARGO ND 58106-9003

A copy of your written request for the appeal hearing must be mailed to the (Agency) **by certified mail** within **fifteen calendar days** after the receipt of this letter.

(Employer’s Name)

(Address)

We appreciate your interest in our (agency) and encourage you to apply for other (agency) positions for which you qualify. If you have any questions, please contact our office.

Sincerely:

(name & title of supervisor)

(employing unit)

**For HR contact information we have included the text below from which the sample letter above was drafted:**

**Partial Text of NDCC 37-19.1**

If a veteran, or a qualified veteran's spouse, hereafter known as the applicant, is not given the preference provided in section 37-19.1-02 or 37-19.1-03, the applicant, within fifteen days after notification by certified mail that employment has been refused, may request a hearing as provided in subsection 3. The notification from the employer must include the reasons for nonselection, inform the applicant of the right to an appeal hearing, inform the applicant of the requirement that the request for a hearing must be filed by certified mail within fifteen days after the notification, inform the applicant that a request for an appeal hearing must be made to the commissioner of veterans' affairs at the included commissioner's mailing address, and inform the applicant that if the applicant requests an appeal, the applicant must mail a copy of the request for an appeal hearing to the employer or employing agency.

The applicant's request for a hearing must be in writing, must include a copy of the employer's notification that employment has been refused, and must be delivered to the commissioner of veterans' affairs by certified mail. A copy of the written request must be mailed to the employer or employing agency. The applicant is entitled to immediate employment in the position for which application was originally made, or an equivalent position, together with backpay and benefits from the date the appointment should have been made less amounts otherwise earnable through due diligence, if the hearing officer finds in favor of the applicant.