

DEC 09 2010

MEMO



Senate of Pennsylvania

December 7, 2010

**TO:** ALL SENATORS  
**FROM:** Stewart J. Greenleaf *Stewart*  
**SUBJECT:** Cosponsorship -- **Administrative law amendment**

I am reintroducing **Senate Bill 519**, protecting the appeal rights of a person who is a party in a case before a Commonwealth agency and who misses an opportunity to appeal the Commonwealth agency's adjudication in the case because the notice of adjudication was sent by mail and not personally served on the person.

Sometimes, when a Commonwealth agency has made a determination in a case but the person subject to that determination does not receive personal service of the agency's adjudication notice, the person misses the opportunity to appeal the agency's decision. Currently, section 507 of Title 2 of the Pennsylvania Consolidated Statutes (Administrative Law and Procedure) says that all adjudications "shall be served upon all parties or their counsel personally, or by mail." Unfortunately, when service is made by mail, even certified mail, there is no guarantee that the person to whom the agency's action is directed actually receives the notice.

My legislation will encourage agencies to use personal service. If an agency chooses instead to use mail and, as a result, the person does not receive notice and misses a deadline for an appeal of the agency's decision, my legislation gives the person 30 days to appeal after discovering that the Commonwealth agency made an adjudication in the case.

*If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at [psnively@pasen.gov](mailto:psnively@pasen.gov).*