

Administrative Appeals

If you disagree with the decision of a state or local government agency, you may be able to have that decision reviewed at an administrative hearing conducted by the Office of Administrative Hearings (OAH). OAH is not a court. However, if you disagree with the outcome of a final administrative decision made by OAH or another state agency, you can ask a circuit court to review that decision. That review may be called an administrative appeal to circuit court, or a judicial review of an administrative decision. If possible, you should hire an attorney to represent you.

Watch the Video



Step One: Filing Petition for Judicial Review

- The circuit court can only review final administrative decisions. If there is an option to appeal an administrative agency decision to the Office of Administrative Hearings, you must first take that action before filing anything with the circuit court.
- You must file your petition requesting judicial review (appeal of an administrative decision) within **30 days** of the final administrative decision. File at the circuit court in your county. There is a fee to file.
- There is no form for a petition for judicial review. You will have to write the petition yourself.
- Maryland Rule of Procedure [7-202](#) describes the requirements for the petition.
- Maryland Rule 7-202 also provides a sample for the case caption. A case caption is the first section of your petition that states in which court the petition is submitted, your name, and the agency decision to be reviewed.

Step Two: The Record

- After you file your petition for judicial review, the administrative agency must send a record of the administrative proceedings to the circuit court.
- Maryland Rule of Procedure [7-206](#) contains the requirements for transmission of the record.
- The circuit court will issue a notice that the administrative agency has submitted the record to the court.

Step Three: Memorandum

- You must submit a memorandum within **30 days** of the court's notice of receipt of the record.
- Maryland Rule of Procedure [7-207](#) contains the requirements for a memorandum.
- The memorandum must include three sections: (1) what you would like the court to review (presented as a question), (2) a summary of the facts relevant to that review, and (3) your arguments as to why the court should agree with you.
- To complete the memorandum, you will need to conduct legal research. The argument section of your memorandum should refer to case law that supports your position. Case law refers to past court decisions that interpret the law.
- Memoranda are complicated. Consider hiring a lawyer to help you, if possible.
- Visit a Maryland [law library](#) to find samples of memoranda. For information on law libraries visit mdcourts.gov/ccl.



Maryland Court Help

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Step Four: Oral Argument

- After the court has received the memorandum, the circuit court will hold a hearing.
- The hearing is an opportunity for you to present in person the reasons the court should agree with you. This is called an oral argument. The administrative agency may also present an oral argument.
- You will not be able to present new evidence.
- Maryland Rule of Procedure [7-208](#) contains the requirements for the hearing.

A Different Type of Administrative Appeal: Workers' Compensation

- If you are seeking judicial review of a Workers' Compensation decision, the requirements and procedures are slightly different than for review of other administrative decisions as described above.
- There is no fee to file a notice of appeal.
- You are responsible for serving the Workers' Compensation Commission and other interested parties.
- You are not required to file a memorandum.
- The court will hold a new trial, called de novo appeal, in which the court may consider new evidence.
- You may request a jury trial

Resources

- You can read more on administrative appeals at the [People's Law Library of Maryland](#) at <https://www.peoples-law.org/appealing-administrative-agency-decision>.
- Visit the [law library](#) for assistance in researching Maryland law and writing your petition and memorandum. Find more information at mdcourts.gov/ccll.
- You can discuss administrative appeals with an attorney for free at the [Maryland Court Help Center](#) at 410-260-1392, or mdcourts.gov/helpcenter.