

## **Appeal proceedings**

### **Filing an appeal**

A party to the proceedings has the right to appeal against the decision of the administrative authority. The appeal shall be lodged with the administrative authority which **issued** the contested decision. The appeal must be lodged **within 15 days** from the date of notification (delivery) of the decision.

Where, as a result of **incorrect instructions** or because he **was not instructed at all**, a party lodges an appeal out of time, he shall be presumed to have lodged it in time if he does so not later than **3 months** from the date of notification of the decision.

A party to the proceedings may **withdraw an** appeal before it has been decided. If a party has withdrawn an appeal, it may not appeal again. An appeal lodged in time shall have suspensive effect.

The administrative authority that issued the contested decision may decide on the appeal itself if **it upholds the** appeal in full and if the decision does not concern a **party other than** the appellant or if the other parties to the proceedings agree.

If the administrative authority which issued the contested decision does not decide on the appeal, it shall submit the appeal, together with the results of the supplemented proceedings and the case file, to **the appellate authority** no later than 30 days from the date on which the appeal was received by it and shall inform the party to the proceedings accordingly.

Unless a specific law provides otherwise, the appellate authority shall be the administrative authority of **the next higher level** superior to the administrative authority which issued the contested decision.

The appellate authority shall review the contested decision in its entirety; if necessary, it shall supplement the proceedings to date or, where appropriate, remedy the defects found.

If there are grounds for doing so, the appellate body **shall modify or annul the decision**, otherwise it shall dismiss the appeal and **uphold the decision**.

The appellate authority shall annul the decision and refer the case back to the administrative authority which issued it for a **new hearing and decision**, if this is more appropriate, in particular for reasons of speed or economy; the administrative authority shall be **bound by the** legal opinion of the appellate authority.

There shall be no further appeal against the decision of the appeal body on the appeal.

## **Validity**

The decision, which **cannot be appealed**, is final.

The party to the proceedings shall have **15 days from the date of service of the decision** to exercise its right of appeal, if any. If the party does not appeal, the decision shall become final **on the expiry of the fifteenth day following the day after the** date of service of the decision. If a party wishes the decision to become final **earlier**, he may waive his **right of appeal** and the decision shall become final on the date on which he does so.

## **Marking of the validity clause**

**The final validity clause** shall be issued by the public authority which issued the decision.

The decision shall be final regardless of whether a finality clause has been issued; the finality clause merely certifies the facts. A declaration of finality shall not be issued automatically. It is issued/marked on the decision and registered in the registry/file on request or by personal contact with the administrative authority that issued the decision, i.e. the St. Elizabeth University of Health and Social Work, Bratislava

The regulation Appeal proceedings was approved by the Scientific Council of SEU and comes into force from 01.10.2015.

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rector