

Cherokee Nation Code Annotated

Title 1: Administrative Procedure

Chapter 5: Judicial Review

§ 504. Time for seeking judicial review of agency action

Cite as: 1 CNCA § 504

A. Judicial review of a rule may be sought at any time after the date thirty (30) days before the effective date of the rule.

B. Judicial review of an order or other agency action other than a rule must be commenced within thirty (30) days after issuance of the order or other agency action if the record of the action provides notice that it is a final agency action and notes the thirty (30) day time limit for judicial review.

C. If a final agency action other than a rule does not provide notice as required in subsection (B), then judicial review may be sought within two (2) years of the action becoming final.

D. A time for seeking judicial review under this section is tolled during any time a party is pursuing an administrative remedy before the agency which must be exhausted as a condition of judicial review.

E. A party may not file or petition for judicial review while seeking reconsideration under 1 CNCA § 417. During the time that a petition for reconsideration is pending before an agency, the time for seeking judicial review in subsection (B) is tolled.

Historical Data

LA 13-07, eff. March 19, 2007.