

**Public Review Comments – May 2017**  
**Proposed revisions to ANSI's Appeals Procedures**

*Mr. Mowry has accepted the proposed resolution to his comments:*

**From:** Mowry, Keith A. [mailto:Keith.A.Mowry@ul.com]  
**Sent:** Tuesday, May 09, 2017 8:53 AM  
**To:** Anne Caldas  
**Cc:** Katie Calder; Lane Hallenbeck; James Thompson; Patricia Griffin  
**Subject:** RE: Please review and respond: ANSI ExSC response to public comments - ANSI Appeals Procedures

Thank you – this addresses my concern as the words are now clear that “dismiss” pertains to the appeal as opposed to the original accreditation decision – Thanks so much for your efforts

**Keith Mowry**  
**Manager**

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**From:** Anne Caldas [mailto:acaldas@ansi.org]  
**Sent:** Tuesday, May 09, 2017 6:53 AM  
**To:** Mowry, Keith A.  
**Cc:** Anne Caldas; Katie Calder; Lane Hallenbeck; James Thompson; Patricia Griffin  
**Subject:** Please review and respond: ANSI ExSC response to public comments - ANSI Appeals Procedures

Dear Mr. Mowry –

Thank you for your public comment below on the proposed revisions to the ANSI Appeals Board's procedures. Staff would like to know if the following edit would resolve your concern:

In an appeal arising from an ANSI conformity assessment accreditation program, the Appeals Board can only dismiss an appeal for lack of a prima facie case (in which case the appealed decision stands), affirm a decision, or remand a decision to the body that made the decision for further action. If the Appeals Board remands the decision back to the body that rendered the decision, it will do so with instructions to take further action.

3 Because the Appeals Board cannot make an accreditation decision for the purposes of ISO/IEC 17011, it cannot procedurally reverse a decision of an accreditation committee. ~~instead it can only remand a decision to an accreditation committee with instructions to take further action.~~

If this is acceptable, then we will provide it to the ExSC along with your comment for their review.

Thank you for your consideration.

Best,  
Anne

**From:** Mowry, Keith A. [<mailto:Keith.A.Mowry@ul.com>]  
**Sent:** Thursday, April 06, 2017 12:59 PM  
**To:** PSA Department  
**Subject:** FW: ANSI ExSC response to public comments re ExSC\_053\_2016 and new revisions ExSC\_029\_2017 available for comment through May 8, 2017- ANSI Appeals Procedures

Hi

In the new section 13 of the ANSI Appeals Board the following text and footnote are included:

In an appeal arising from an ANSI conformity assessment accreditation program, the Appeals Board can only dismiss, affirm or remand a decision to the body that made the decision for further action. If the Appeals Board remands the decision back to the body that rendered the decision, it will do so with instructions to take further action.

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<sup>3</sup> Because the Appeals Board cannot make an accreditation decision for the purposes of ISO/IEC 17011, it cannot procedurally reverse a decision of an accreditation committee; instead it can only remand a decision to an accreditation committee with instructions to take further action.

The reference to “dismiss . . . a decision to the body that made the decision” introduces confusion. What does “dismiss” mean – if it means “vacate” then the Appeals Board IS in effect making an accreditation decision by taking away the choice of the original decision made by the committee. If “dismiss” means something else then a better word or set of words should be used to convey the intended meaning. The footnote 3 only mentions remanding a decision – it makes no mention of dismissal. If section 13 will include some option to “dismiss” that is different from affirming or remanding then this third option should also be included appropriately in footnote 3.

Thanks for the opportunity to comment

**Keith Mowry**  
**Manager**

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