Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 8
"Contested Cases"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 35, and 35A
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 35, and 35A

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 28, 2025 3 p.m.	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

The purpose of this proposed rulemaking is to outline the procedure for entities or individuals that disagree with an Iowa Commission of Veterans Affairs (Commission) or Department decision and would like to appeal it.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

No costs are associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

No additional benefits or detriments are associated with this proposed rulemaking.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There are no quantitative impacts associated with this proposed rulemaking.

- **Qualitative description of impact:**

There are no qualitative impacts associated with this proposed rulemaking.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no implementation or enforcement costs borne by the Department or any other agency.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

This proposed rulemaking will provide a benefit by establishing procedures to contest a Department or Commission decision.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

There are no alternative methods that were seriously considered by the Department.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 801—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
CONTESTED CASES

801—8.1(17A,35) Scope and applicability. This chapter applies to decisions by the commission or the department, as applicable, which, notwithstanding rule 801—1.9(17A,35,35A), become the subject of contested case proceedings as required by law or by rule. As used in this chapter, "agency" means either the commission or the department, as applicable.

801—8.2(17A,35) Definitions.

"Aggrieved party" means any agency, organization or individual that alleges the agency's, organization's or individual's rights have been denied by action of the commission or commandant.

"Proposed decision" means the recommended findings of fact, conclusions of law, decision and order in a contested case in which the commission did not preside.

801—8.3(17A,35) Complaint procedure.

8.3(1) *Complaints relating to the Iowa Veterans Home.* Applicants or members of the Iowa Veterans Home must first exhaust the appeal process set out in rules 801—10.45(35A,35D) and 801—10.46(35A,35D), respectively.

8.3(2) *Content of complaints.* Complaints to the agency should state the name and address of the aggrieved party, identify the specific agency action that is disputed, the issues in dispute, and request a hearing, if applicable.

8.3(3) *Review of complaints.* The chairperson or commandant, as applicable, will review the complaint to determine if the issue is within the scope of the agency.

8.3(4) *Transmittal of complaints.* Within 15 calendar days of receipt of a request for hearing, the chairperson or commandant, as applicable, will transfer the request to the department of inspections, appeals, and licensing (DIAL) pursuant to rules 481—10.3(10A) and 481—10.4(10A) and notify the aggrieved party of this transmittal. DIAL will provide the hearing in accordance with rules promulgated by that department in 481—Chapter 10.

8.3(5) *Appeals.*

a. Parties have 30 calendar days from the mailing date of the decision by DIAL to appeal the decision to the agency. If no appeal is filed, the hearing decision becomes final 30 days from the date of decision.

b. Appeals to the agency are filed at the location identified in 801—subrule 1.2(1) or 1.3(1), as applicable.

c. On appeal, the agency will permit each party to file exceptions, present briefs and, with the consent of the agency, present oral arguments. The agency shall establish a deadline for submission of the written exceptions, briefs, and requests for continuance and shall notify the parties of the deadline.

d. The agency has authority to fully and fairly develop the record and may inquire into the matters at issue and shall receive in evidence the testimony of witnesses and any documents that are relevant and material.

e. The agency will base its decision on the evidence contained in the record made before DIAL and may permit the parties to submit new evidence at DIAL's discretion upon a showing of why the new evidence was not reasonably available at the original hearing.

f. Request for continuance shall be made in writing and the reasons for the request shall be stated. The request shall be filed with the agency at the address given in 801—subrule 1.2(1) or 1.3(1), as applicable.

g. The agency's decision on appeal is effective immediately unless otherwise specified in the decision.

8.3(6) *Judicial review.* A party who seeks judicial review shall first exhaust all administrative remedies as follows:

a. A party shall appeal the decision of the administrative law judge as provided in subrule 8.3(5) and receive a decision from the agency as provided in this subrule.

b. Petition for judicial review of the agency's decision shall be filed within 30 calendar days after the decision is issued.

These rules are intended to implement Iowa Code chapters 17A, 35, and 35A.