RA 26-404

EMPLOYMENT APPEAL BOARD[486]

Regulatory Analysis

Notice of Intended Action to be published: 486—Chapter 2
"General Rules of Procedure"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.601(4) and 10A.601(6)
State or federal law(s) implemented by the rulemaking: Iowa Code sections 10A.601 and 70A.28; chapter 8A, subchapter IV; and chapters 20, 80, 88, 91C, 96, and 97B

Public Hearing

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

December 29, 2026	Via videoconference:
11 a.m.	meet.google.com/jat-xmxh-jte

Public Comment

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

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Employment Appeal Board
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Des Moines, Iowa 50321
Email: rick.autry@eab.iowa.gov

Purpose and Summary

This proposed rulemaking includes revisions to administrative rules based on the requirements of Executive Order 10. This proposed chapter describes the general rules of procedure for the Board. Many of the current rules are specific to unemployment cases and so were either removed or moved to the appropriate chapter rather than in the general procedural chapter. In addition, the rule of when a document is deemed filed has been updated for modern technology and standardized across areas of responsibility by specification in this proposed chapter. Similarly, determining the issuance date of agency decisions has been standardized. Rules on disqualification have been replaced with a referral to the model Uniform Rules on Agency Procedure.

Analysis of Impact

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

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

There is no additional expected cost to the State or individuals.

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

Parties appearing before the Board in any of its proceedings will benefit.

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 is no expected economic impact created by this proposed rulemaking.

- **Qualitative description of impact:**

There is no expected economic impact created by this proposed rulemaking.

3. **Costs to the State:**

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

There is no expected economic impact created by this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no expected effect on State revenues created by this proposed rulemaking.

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

Not applicable.

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:**

No alternative methods were considered.

- **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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 486—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
GENERAL RULES OF PROCEDURE

486—2.1(10A) General procedures. The following rules of general procedure will apply to all appeals and hearings conducted under the authority of the appeal board. Unless otherwise specified by rules within the chapters on particular areas, these rules apply.

486—2.2(10A) Definitions. As used in the rules of the appeal board:

"Appeal" means an instrument, including an instrument submitted electronically, used to notify the employment appeal board that an aggrieved individual wishes to appeal an adverse decision or determination. The instrument must be in writing, but unless provided otherwise in the chapter of these regulations governing the type of appeal in question, there are no formal requirements other than giving reasonable notice that the person is aggrieved by a decision or determination and desires that the appeal board review that agency action.

"Appeal board" means the employment appeal board.

"Good cause" means a substantial and justifiable reason, under the circumstances of the case, to excuse an action that was not taken when it should have been taken. The individual alleging good cause has the burden to establish that good cause did exist to excuse the failure to take the needed action.

"New or additional evidence" means any evidence, testimonial or documentary, that is filed or submitted for consideration after the close of the period for submission of evidence to the presiding officer at a contested case proceeding.

486—2.3(10A) Filing date. The date a document is deemed to have been filed with, or submitted to, the appeal board varies depending upon the method of delivery as follows.

2.3(1) If sent via the U.S. Postal Service, the filing date is the date shown on the U.S. Postal Service postmark. If the U.S. Postal Service postmark is illegible, then the postal meter mark is the filing date. If the envelope containing the document has both a postage meter mark and the U.S. Postal Service postmark, the postmark is the filing date. If neither a postage meter mark nor a U.S. Postal Service postmark is legible, then the date on the document itself is the filing date. Where the filing date cannot be determined by any of these means, the filing date is the date of receipt by the appeal board.

2.3(2) If sent electronically through a document management system or claim portal, the filing date is the date entered by the system as the date the document was received. For systems that do not enter this date on the document, the filing date is the date the document first appears in the electronic filing queue or in the inbox of the appeal board.

2.3(3) If sent by a private entity or organization that is regularly engaged in the business of document delivery, the filing date is the date the document is delivered to the courier for delivery to the appeal board. If the date of delivery to the courier cannot be reliably determined from the face of the document, or its envelope, then the filing date is the date of receipt by the appeal board.

2.3(4) If sent by facsimile transmission, the filing date is the date of the fax transmission as reflected in the appeal board's system. Where the date of transmission shown by the transmitting system or device conflicts with the date of transmission shown in the appeal board's system, the date shown on the appeal board's system will govern.

2.3(5) If sent by any other means, the filing date is the date of receipt by the appeal board at its offices.

486—2.4(10A) Issuance date. For the purposes of determining the deadline for initiating post-decision processes, such as rehearing and judicial review, the date that a written decision of the appeal board is issued varies depending on the method by which the written decision was delivered to the party in question as follows.

2.4(1) For cases that have been processed through an electronic document management system or an electronic claim portal, the issuance date is the date indicated on the order that it was filed or mailed. If the file date appearing on the decision conflicts with the date mailed appearing on the decision, the later date will be the issuance date.

2.4(2) For cases that have not been processed electronically, the issuance date is the date the decision was mailed as shown on the face of the decision.

2.4(3) For cases where the appeal board delivers the decision to a party by more than one means, the issuance date will be the later date, except as provided in subrule 2.4(4).

2.4(4) For cases where a party had requested that the appeal board resend a decision, the earlier date will be used.

486—2.5(10A) Ex parte communication and disqualification. In all contested case matters before the appeal board, rule 7—2506.23(17A) will govern issues related to ex parte communication, and rule 7—2506.9(17A) will govern disqualification of appeal board members.

These rules are intended to implement Iowa Code section 10A.601.