

35C.5 Appeals.

1. In addition to the remedy provided in [section 35C.4](#), an appeal may be taken by any person belonging to any of the classes of persons to whom a preference is granted under [this chapter](#), from any refusal to allow the preference, as provided in [this chapter](#), to the district court of the county in which the refusal occurs.

2. The appeal shall be made by serving upon the appointing board, within twenty days after the date of the refusal of the appointing officer, board, or persons to allow the preference, a written notice of appeal stating the grounds of the appeal and a demand in writing for a certified transcript of the record and all papers on file in the office affecting or relating to the appointment. Upon receipt of the notice and demand, the appointing officer, board, or person shall, within ten days, make, certify, and deliver to the appellant the transcript. The appellant shall, within five days thereafter, file the transcript and a copy of the notice of appeal with the clerk of court.

3. The notice of appeal shall stand as the appellant's complaint and the cause shall be accorded such preference in its assignment for trial as to assure its prompt disposition. The court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the appointment from which the appeal is taken. If the court finds that the applicant is qualified as defined in [section 35C.1](#), to hold the position for which the applicant has applied, the court shall, by its mandate, specifically direct the appointing officer, board, or persons as to their further action in the matter.

4. An appeal may be taken from the judgment of the district court on the same terms as an appeal is taken in civil actions. Parties entitled to appeal under [this section](#) may elect, in the alternative, to maintain an action for judicial review in accordance with the terms of the Iowa administrative procedure Act, [chapter 17A](#), if that is otherwise applicable to the case.

[C35, §1162-g1; C39, §1162.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §70.5]
C93, §35C.5

[2003 Acts, ch 44, §114](#); [2018 Acts, ch 1026, §17](#)

Referred to in [§35C.3](#), [35C.5A](#)

Appeals, [R.App.P. 6.101](#), [6.102](#), [6.701](#)