

CHAPTER 14 APPEAL OF DECISIONS

[Prior to 2/22/89, Parole, Board of[615] Ch 9]
[Prior to 4/5/23, see 201—Chapter 15]

205—14.1(17A) General. An inmate, parolee, or work releasee may appeal any action of the board staff or board that affects that person except a decision to schedule a hearing or a work release transfer hearing decision, any commutation-related action, an appeal decision, or the decision to conduct an appearance by electronic means.

[ARC 8446C, IAB 12/11/24, effective 1/15/25]

205—14.2(17A) Grounds. The general grounds for an appeal are claims that an action of the board staff or board was:

1. In violation of constitutional or statutory provisions;
2. In excess of the statutory authority of the board;
3. In violation of a board rule;
4. Made upon unlawful procedure;
5. Affected by other error of law;
6. Unsupported by evidence or based on incorrect or incomplete information that, if correct or complete, might have resulted in a different action; or
7. Unreasonable, arbitrary, or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of decision.

[ARC 8446C, IAB 12/11/24, effective 1/15/25]

205—14.3(17A) Filing an appeal.

14.3(1) An appeal is filed in writing and includes:

- a. The nature of the board action that is the subject of the appeal.
- b. The particular agency action that is the subject of the appeal.
- c. The grounds on which relief is sought.
- d. The relief sought.

14.3(2) All grounds should be included in the same appeal, and all necessary documents and information will be attached to the appeal.

14.3(3) The appeal is submitted to the business office. An appeal is received at the parole board office, or postmarked, within ten days of the receipt of notice of the action appealed. The board is not required to consider untimely appeals.

[ARC 8446C, IAB 12/11/24, effective 1/15/25]

205—14.4(17A) Board review and decision. The board of parole, a designee of the board, or a panel of three or more members of the board will review the appeal. The chairperson, the chairperson's designee, or the panel may affirm, modify, or reverse the action being appealed or may defer the action for further consideration, including granting the inmate, parolee, or work releasee an appearance before the board. The board will give notice to the inmate, parolee, or work releasee of the board's decision.

[ARC 8446C, IAB 12/11/24, effective 1/15/25]

These rules are intended to implement Iowa Code chapter 17A.

[Filed 7/26/76, Notice 1/26/76—published 8/9/76, effective 9/13/76]

[Filed 2/7/79, Notices 10/4/78, 11/1/78—published 3/7/79, effective 4/11/79]

[Filed 9/23/82, Notice 7/7/82—published 10/13/82, effective 11/19/82]

[Filed 2/6/89, Notice 12/28/88—published 2/22/89, effective 3/29/89]

[Filed emergency 7/3/97—published 7/30/97, effective 7/3/97]

[Filed 5/14/99, Notice 3/24/99—published 6/2/99, effective 7/7/99]

[Filed 6/4/04, Notice 4/28/04—published 6/23/04, effective 7/28/04]

[Filed ARC 3297C (Notice ARC 3117C, IAB 6/21/17), IAB 8/30/17, effective 10/4/17]

[Filed ARC 6968C (Notice ARC 6824C, IAB 1/11/23), IAB 4/5/23, effective 5/10/23]

[Filed ARC 8446C (Notice ARC 8184C, IAB 8/7/24), IAB 12/11/24, effective 1/15/25]