

CHAPTER 8
CONTESTED CASES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

801—8.1(17A,35) Scope and applicability. This chapter applies to contested case proceedings related to decisions for which the Iowa commission of veterans affairs has statutory authority.

801—8.2(17A,35) Definitions.

“Aggrieved party” means any agency, organization or individual who alleges their rights have been denied by action of the commission.

“Chairperson” means chairperson of the commission.

“Commission” means Iowa commission of veterans affairs.

“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 10.45(35A,35D) and 10.46(35A,35D), respectively.

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

8.3(3) The chairperson shall review the appeal to determine if the issue is within the commission’s scope.

8.3(4) Within 15 calendar days of receipt of a request for hearing, the chairperson shall transfer the request to the department of inspections and appeals pursuant to rules 481—10.3(10A) and 10.4(10A) and shall notify the aggrieved party of this transmittal. The department of inspections and appeals shall provide the hearing in accordance with rules promulgated by that department at 481—Chapter 10.

8.3(5) Appeals.

a. Parties have 30 calendar days from the mailing date of the decision by the department of inspections and appeals to appeal the decision to the commission. If no appeal is filed, the hearing decision becomes final 30 days from the date of decision.

b. Appeals to the commission shall be filed with the chairperson at the location identified in 801—subrule 1.2(1).

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

d. The commission has the 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 which are relevant and material.

e. The commission shall base its decision on the evidence contained in the record made before the department of inspections and appeals and may permit the parties to submit new evidence at its 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 commission at the address given in 801—subrule 1.2(1).

g. The commission’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 commission as provided in this subrule.
- b.* Petition for judicial review of the commission's decision shall be filed within 30 calendar days after the decision is issued.

These rules are intended to implement Iowa Code section 35A.3.

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