

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, the decision to conduct an appearance by electronic means, or the revocation of parole which shall be appealed according to the procedure indicated in rule 205—11.8(908).

[ARC 3297C, IAB 8/30/17, effective 10/4/17; ARC 6968C, IAB 4/5/23, effective 5/10/23]

**205—14.2(17A) Grounds.** The general grounds for an appeal are:

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 which, 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 6968C, IAB 4/5/23, effective 5/10/23]

**205—14.3(17A) Filing an appeal.**

**14.3(1)** An appeal shall be filed in writing and shall state:

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

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

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

[ARC 6968C, IAB 4/5/23, effective 5/10/23]

**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 shall review the appeal. The chairperson or 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 shall give notice to the inmate, parolee, or work releasee of its decision.

[ARC 6968C, IAB 4/5/23, effective 5/10/23]

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]