

CHAPTER 9  
ADMINISTRATIVE REMEDIES

**621—9.1(20) Final decisions.** When a quorum of the members of the board presides at the evidentiary hearing in a contested case proceeding, the decision entered thereon is the final decision of the agency. When the hearing is presided over by other than a quorum of the members of the board, the administrative law judge shall render a proposed decision, which shall become the final decision of the agency unless within 20 days of the filing of such proposed decision:

- 9.1(1) A party aggrieved by the proposed decision files an appeal to the board, or
- 9.1(2) The board, on its own motion, determines to review the proposed decision.

**621—9.2(20) Appeals to board.**

**9.2(1) Notice of appeal.** An appeal to the board from a proposed decision of an administrative law judge in a contested case proceeding shall be commenced within 20 days of the filing of the proposed decision by filing a written notice of appeal with the agency in accordance with rule 621—16.4(20). The appealing party shall promptly serve all other parties with a copy of the notice and file proof thereof with the agency in accordance with rule 621—16.10(20).

**9.2(2) Cross-appeals.** A cross-appeal may be taken in the same manner as an appeal within the 20 days for taking an appeal or within 5 days after the appeal is taken, whichever is later.

**9.2(3) Hearing.** On appeal the board shall utilize the record as submitted before the administrative law judge but may, upon application of a party, order that additional evidence be taken on appeal if it is shown that the additional evidence is material and that there were good reasons for the party's failure to present it before the administrative law judge. Any person, employee organization or public employer who has a significant interest in the outcome of the appeal may petition the board for intervention in the appeal proceedings. Where intervention is granted by the board, the intervening parties may submit briefs and arguments and participate in the same manner as an original party to the proceeding. The board shall set a time and place of hearing or argument and give notice thereof to the parties. The decision rendered by the board shall be a final decision of the agency.

[ARC 8953B, IAB 7/28/10, effective 9/1/10; ARC 1583C, IAB 8/20/14, effective 9/24/14]

These rules are intended to implement Iowa Code chapter 20.

[Filed 3/4/75]

[Filed 10/26/77, Notice 9/21/77—published 11/16/77, effective 12/21/77]

[Filed 9/11/79, Notice 7/11/79—published 10/3/79, effective 11/12/79]

[Filed 11/7/80, Notice 9/17/80—published 11/26/80, effective 12/31/80]

[Filed emergency 7/23/85—published 8/14/85, effective 7/23/85]

[Filed 10/9/86, Notice 8/27/86—published 11/5/86, effective 12/10/86]

[Filed 2/1/89, Notice 12/28/88—published 2/22/89, effective 3/30/89]

[Filed 12/16/93, Notice 11/10/93—published 1/5/94, effective 2/9/94]

[Filed Without Notice ARC 8953B, IAB 7/28/10, effective 9/1/10]

[Filed ARC 1583C (Notice ARC 1507C, IAB 6/25/14), IAB 8/20/14, effective 9/24/14]