

CHAPTER 9  
ADMINISTRATIVE REMEDIES

**621—9.1(17A,20) Final decisions.**

**9.1(1)** *By board majority.* When a majority of the board presides at the reception of the evidence in a contested case, the decision of the board is a final decision of the agency.

**9.1(2)** *By presiding officer.* When a majority of the board does not preside at the reception of the evidence in a contested case, the presiding officer shall make a proposed decision that becomes the final decision of the agency without further proceedings unless:

*a.* There is an appeal to the board or a petition for its review filed within 20 days of the filing of the proposed decision, or

*b.* The board, within 20 days of the filing of the proposed decision, determines to review the decision on its own motion.

[ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—9.2(17A,20) Appeals or petitions for the board's review.**

**9.2(1)** *Notice of appeal or petition for review.* An appeal to the board or a petition for review of a proposed decision in a contested case proceeding shall be commenced by the filing of a written notice of appeal or petition for review with the agency within 20 days of the filing of the proposed decision.

**9.2(2)** *Cross-appeals or cross-petitions for review.* A cross-appeal or cross-petition for review may be taken in the same manner as an appeal or a petition for review and shall be filed within 20 days of the filing of the proposed decision or within 5 days after the initial appeal or petition for review is filed, whichever is later.

**9.2(3)** *Method of filing.* All appeals and petitions for review shall be electronically filed pursuant to 621—Chapter 16.

[ARC 8953B, IAB 7/28/10, effective 9/1/10; ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—9.3(17A,20) Board's review on its own motion.** The board may determine to review the proposed decision within 20 days of the filing of the proposed decision by filing an order for review.

[ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—9.4(17A,20) Petition for amicus curiae status.** Any person, employee organization or public employer who has a significant interest in an outcome of an appeal or review pursuant to either rule 621—9.2(17A,20) or 621—9.3(17A,20) may petition the board for amicus curiae status. Where the petition is granted by the board, the amicus curiae may submit briefs and arguments and participate in the same manner as an original party to the proceeding.

[ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—9.5(17A,20) Board proceedings on appeal or review.** On appeal from or review of a proposed decision, the board has all the power that it would have in initially making the final decision except as it may limit the issues after giving notice to the parties.

**9.5(1)** *Procedure.* The parties shall be given an opportunity to file briefs and, with the consent of the board, present oral arguments to the board members who are to render the final decision. If the board consents to the presentation of oral arguments, the board shall file an order setting a time and place.

**9.5(2)** *Standard of review.* The board may reverse or modify any finding of fact if a preponderance of the evidence will support a determination to reverse or modify such a finding, or may reverse or modify any conclusion of law that the board finds to be in error.

**9.5(3)** *Final agency action.* The decision rendered by the board on appeal or review shall be a final decision of the agency.

[ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—9.6(17A,20) Rehearing.**

**9.6(1) Application.** Any party may file an application for rehearing, stating the specific grounds for rehearing and the relief sought, within 20 days after the date of the issuance of any final decision by the agency in a contested case. An application for rehearing shall be deemed to have been denied unless the board grants the application within 20 days after its filing.

**9.6(2) Method of filing.** The application shall be electronically filed pursuant to 621—Chapter 16. [ARC 2916C, IAB 1/18/17, effective 2/22/17]

**621—9.7(17A,20) Stays of agency action.**

**9.7(1) Application.** A party may file an application for a stay of agency action. The board may, in its discretion and on such terms as it deems proper, grant or deny the application.

**9.7(2) Method of filing.** The application shall be electronically filed pursuant to 621—Chapter 16. [ARC 2916C, IAB 1/18/17, effective 2/22/17]

These rules are intended to implement Iowa Code chapters 17A and 20.

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