

129—6.28(8B,17A) Final decision.

6.28(1) *Final decision of office.* When the CIO presides over the reception of evidence at the hearing, the CIO's decision is a final decision.

6.28(2) *Proposed decision.* When the CIO does not preside at the reception of evidence, the presiding officer shall make a proposed decision.

6.28(3) *Contents of decision.* The proposed or final decision or order shall:

- a. Be in writing or stated on the record.
- b. Include findings of fact. Findings of fact, if set forth within statutory language, shall be accompanied by a concise, explicit statement of underlying facts supporting the findings.
- c. Include conclusions of law stated separately from the findings of fact and supported by cited authority or a reasoned opinion.
- d. Be based on the record of the contested case. The record of the contested case shall include all materials specified in Iowa Code section 17A.12(6). This record shall include any request for a contested case hearing and other relevant procedural documents regardless of their form.

6.28(4) *Proposed decision becomes final.* The proposed decision of the presiding officer becomes the final decision of the office without further proceedings unless there is an appeal to, or review on motion of, the office within the time provided in rule 129—6.31(8B,17A).

6.28(5) *Reports.* The office shall send the division a copy of any request for review of a proposed decision issued by a presiding officer from the division. The office shall notify the division of the results of the review, the office's final decision, and any judicial decision issued.

[ARC 2542C, IAB 5/25/16, effective 6/29/16]