

161—3.46(216) Withdrawal process.

3.46(1) *Withdrawal of complaint.* A complainant may withdraw any part of a complaint prior to notice of a contested case hearing. After notice of a contested hearing, a complainant may only withdraw a complaint or any part of a complaint at the administrative law judge's discretion. The agency may continue investigating where deemed in the public interest.

3.46(2) *Reopening of a withdrawn complaint.* A complainant may request their withdrawn complaint be reopened within 90 days after closure, only if the agency finds that the request for withdrawal was either not filed voluntarily or was filed as a result of a mistake concerning the effect of the request for withdrawal.

3.46(3) *Withdrawal as a term of settlement.* If the withdrawal is filed pursuant to a conciliation, mediation or other settlement agreement, the complainant is barred from applying for reopening on the ground the agreement was not voluntary, unless the district court has first determined the settlement agreement is invalid.

[ARC 8198C, IAB 8/21/24, effective 9/25/24]