

486—3.3(10A) Appeal board decisions.

3.3(1) An appeal shall be decided based upon the evidence contained in the entire record before the administrative law judge, including the testimony of the hearing before the administrative law judge, together with any oral or written arguments presented to the board. Should the appeal board order additional evidence be admitted to the record, that evidence and briefs pertaining to that evidence shall be considered.

3.3(2) Following the review of an appeal or the conclusion of a hearing on appeal, the appeal board shall, within a reasonable time, render a written decision. The decision shall be signed by the members of the appeal board who reviewed the appeal, and a copy of said decision shall be filed in the offices of the employment appeal board. All decisions of the appeal board shall be filed in the offices of the unemployment insurance division of the workforce development department.

3.3(3) A quorum of two members of the appeal board must be present when any decision is made by the appeal board. Should there be only two members present and those two members cannot agree upon the decision, the case shall be issued as a split decision and the decision of the administrative law judge shall be affirmed by operation of law.

3.3(4) If a decision of the appeal board is not unanimous, the decision of the majority shall control. A majority shall be two members. The minority member may file a dissent from such decision setting forth the reasons why that member fails to agree with the majority. The appeal board, in its discretion, may omit the giving of any reasons for its decision on cases in which the decision of an administrative law judge is affirmed without any alteration or modification.

3.3(5) Copies of the decision shall be mailed to all parties to the appeal. The decision shall specify the parties' appeal rights.

3.3(6) The appeal board's decision shall become the final decision of the unemployment insurance division of the workforce development department 30 days after the decision is mailed to all interested parties of record. The date of mailing shall be affixed to the decision immediately below the signatures of the board members reviewing the decision. Any party may file an application for rehearing within 20 days of the date of the board's decision.

3.3(7) The appeal board's decision on an application for rehearing shall be final and without further review 30 days after the date the decision is mailed to the parties of record, unless within that 30 days a petition for judicial review is filed in the appropriate district court.

3.3(8) An application for rehearing shall be deemed denied unless the appeal board acts upon that application within 20 days of its filing date with the appeal board. A petition for judicial review may be filed within 30 days of the date of the appeal board's decision without the necessity of filing an application for rehearing.

3.3(9) After a decision of the appeal board has become final, the matter shall not be reopened, reconsidered, or reheard. The decision shall not be changed except to correct obvious clerical errors in the decision.