

**486—4.90(10A,88) Decisions of employment appeal board or administrative law judge.**

**4.90(1)** When the employment appeal board presides at the reception of the evidence in a contested case, the decision of the employment appeal board is a final decision.

**4.90(2)** When the employment appeal board did not preside at the reception of the evidence in a contested case, the administrative law judge shall make a proposed decision. When the administrative law judge makes a proposed decision, that decision then becomes the final decision of the employment appeal board without further proceedings unless there is an appeal to, or review on motion of, the employment appeal board within 20 days. Findings of fact shall be prepared by the administrative law judge after the reception of the evidence in a contested case unless the administrative law judge becomes unavailable to the employment appeal board. If the administrative law judge is unavailable, the findings of fact may be prepared by another person qualified to be an administrative law judge who has read the record, unless demeanor of witnesses is a substantial factor. If demeanor is a substantial factor and the administrative law judge is unavailable, the portions of the hearing involving demeanor shall be heard again or the case shall be dismissed.

**4.90(3)** On appeal from or review of the proposed decision or declaratory ruling, the employment appeal board has all the power which it would have in initially making the final decision except as it may limit the issues on notice to the parties. In cases where there is an appeal from a proposed decision or where a proposed decision is reviewed on motion of the employment appeal board, an opportunity shall be afforded to each party to file exceptions, present briefs and, with the consent of the employment appeal board, present oral arguments to the employment appeal board members who are to render the final decision.

**4.90(4)** A proposed or final order in a contested case shall be in writing or stated in the record. A proposed or final decision shall include findings of fact, conclusions of law, and an order, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of underlying facts supporting the findings. If, in accordance with these rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Each conclusion of law shall be supported by cited authority or by a reasoned opinion.

**4.90(5)** Parties and intervenors shall be promptly notified of each proposed or final decision or order by the delivery to them of a copy of such decision or order.

**4.90(6)** Employers shall post a copy of the decision and proposed or final order for a period of 30 days for the information of affected employees.

This rule is intended to implement Iowa Code chapter 88 and section 10A.601.