

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]