

**721—3.8(17A) Decisions.** When the presiding officer is the agency director, the decision is the final decision of the agency. When the presiding officer is an administrative law judge, a proposed decision is issued.

**3.8(1)** A proposed decision automatically becomes the final decision of the agency unless an individual appeals to the agency or the agency moves to review the proposed decision within 20 days of the issuance of the proposed decision.

**3.8(2)** On appeal the agency has all the authority of the presiding officer and may uphold the proposed decision or reverse it, in whole or in part, or remand the case to the presiding officer.

**3.8(3)** An intra-agency review is limited to the evidence and issues presented at the contested case hearing. The agency may remand the case to the presiding officer when compelling reasons justify the taking of new evidence or the consideration of new issues.

**3.8(4)** A proposed or final decision or order in a contested case shall be in writing or stated in the record. A proposed or final decision shall include findings of fact and conclusions of law, separately stated, and must set forth the action to be taken or the disposition of the case. Parties shall be promptly notified of each proposed or final decision or order by certified mail, return receipt requested.