

876—4.27(17A,86) Appeal. Except as provided in rules 876—4.2(86) and 876—4.25(17A,86), an appeal to the workers' compensation commissioner from a decision, order or ruling of a deputy workers' compensation commissioner in contested case proceedings shall be commenced within 20 days of the filing of the decision, order or ruling by filing a notice of appeal in WCES. If a party has been granted a waiver of the mandatory use of WCES, the party shall file the notice of appeal with the division of workers' compensation and serve a copy on the other parties. If two or more contested cases were consolidated for hearing, the notice of appeal shall specify the case number of each case the party wishes to include in the appeal. The date the notice of appeal is filed shall be the date the notice of appeal is received by the agency. *Miller v. Civil Constructors*, 373 N.W.2d 115 (Iowa 1985). The notice shall be served on the opposing parties as provided in rule 876—4.13(86). An appeal shall be heard in Polk County or in any location designated by the workers' compensation commissioner.

An interlocutory decision, order or ruling can be appealed only as hereinafter provided. A decision, order or ruling is interlocutory if, when issued, it does not dispose of all issues in the contested case that are ripe for adjudication. If the sole issue remaining for determination is claimant's entitlement to additional compensation for unreasonable denial or delay of payment pursuant to Iowa Code section 86.13, the decision is not interlocutory. An adjudication that awards ongoing payments of weekly compensation under Iowa Code section 85.33 or 85.34(1) is not interlocutory. The workers' compensation commissioner may, upon application from any party or on the workers' compensation commissioner's own motion, and upon such terms as the workers' compensation commissioner orders, grant an appeal from an interlocutory decision, order or ruling if the workers' compensation commissioner finds that the ruling affects substantial rights, that the ruling will materially affect the final decision and that determination of the correctness of the ruling will better serve the interests of justice.

A cross-appeal may be taken under this rule or rule 876—4.25(17A,86) in the same manner as an appeal within the 20 days for the taking of an appeal or within 10 days after filing of the appeal, whichever is later.

This rule is intended to implement Iowa Code sections 17A.15 and 86.24.

[ARC 6841C, IAB 2/8/23, effective 3/15/23]