

**495—26.3 (17A,97B) Appeals.**

**26.3(1)** A party who wishes to appeal a decision by IPERS, other than a disability claim pursuant to Iowa Code section 97B.50A, shall, within 30 days after notification was mailed to the party's last-known address, file with IPERS a notice of appeal in writing setting forth:

- a.* The name, address, and member identification number of the appellant;
- b.* A reference to the decision from which the appeal is being made;
- c.* The fact that an appeal from the decision is being made;
- d.* The grounds upon which the appeal is based; and
- e.* Any evidence necessary to support the appeal.

Upon receipt of the appeal, IPERS shall conduct an internal review of the facts and circumstances involved, in accordance with its appeal review procedure. IPERS shall issue a final agency decision which becomes final unless within 30 days of issuance the member files a request for a contested case proceeding. In determining the date that an appeal or request for a contested case proceeding is filed with IPERS, the following shall apply: An appeal or request for a contested case proceeding delivered by mail shall be deemed to be filed on the postmark date; an appeal or any other document delivered by any other means shall be deemed to be filed on the date of receipt. Upon receipt of a request for contested case proceeding, IPERS shall inform the department of inspections and appeals of the filing and of relevant information pertaining to the case in question. The department of inspections and appeals shall, after issuing proper notice, hold a hearing on the case under the contested cases procedure as described in 26.4(17A,97B) and shall affirm, modify, or reverse IPERS' decision.

**26.3(2)** Appeals of disability claims under Iowa Code section 97B.50A shall be filed and processed as provided under rule 495—13.2(97B) and, upon exhaustion of that appeal process, shall revert to the procedures set forth in 26.4(17A,97B).

[ARC 2402C, IAB 2/17/16, effective 3/23/16]