

486—3.4(10A) Rehearing of the appeal board decision.

3.4(1) Solely on showing of good cause, the appeal board may, upon application by a party, reopen and review any prior decision, provided the application for rehearing is filed within 20 days from the date of the issuance of the prior decision.

3.4(2) The application shall be in writing, stating specific grounds therefor and the specific relief sought. Copies of such application shall be mailed, by the appeal board, to all parties of record not joining in the application.

3.4(3) In determining whether good cause exists for the appeal board to rehear a prior decision, the following factors shall be considered:

a. Whether the application presents newly discovered evidence or facts which are not cumulative, corroborative, or material to the issue decided and are not of sufficient weight to cause a reversal or change in the appeal board's decision.

b. Prior to and at the time of the appeal board's decision, such new information must not have been available through reasonable search by the applicant and must not have been previously considered in any prior appeals decision.

c. When the application presents evidence that benefits were allowed or denied, or the amount of benefits was fixed on the basis of nondisclosure or a misrepresentation of material fact.

3.4(4) If the application for rehearing is granted, the record shall be reopened and the matter may be remanded to an administrative law judge to allow the taking of further testimony and the establishment of further or new findings of fact. The matter then may be transferred to the appeal board for final action. The appeal board may admit documentary evidence or take additional testimony and then reissue a decision based upon the entire record.

3.4(5) The application for rehearing shall be deemed denied unless the appeal board takes action to grant or deny the application within 20 days from the date of the filing of the application.

3.4(6) If the application for rehearing is denied, all administrative remedies shall have been exhausted and the applicant may petition the appropriate district court for review pursuant to Iowa Code section 17A.19.