

281—65.9(279) Appeals from terminations. Any awardee aggrieved by a unilateral termination of an award may appeal the decision to the director of the department in writing within 30 days of the decision to terminate.

65.9(1) *Form of appeal.* In the notice of appeal, the awardee will give a short and plain statement of the reason for the appeal.

65.9(2) *Appeal procedures.* The hearing procedures found at 281—Chapter 6 will apply to appeals of terminated awards. The director will issue a decision within a reasonable time, not to exceed 120 days from the date of hearing.

65.9(3) *Grounds for reversal.* Termination of an award under this chapter may be reversed only if the awardee proves the process was conducted outside of statutory authority; violated state or federal law, policy, or rule; did not provide adequate public notice; was altered without adequate public notice; or involved conflict of interest by staff or committee members.

65.9(4) *Mandatory denial of appeal.* In lieu of a decision on the merits of an appeal, the director of the department will deny an appeal if the director finds any of the following:

- a. The appeal is untimely;
- b. The appellant lacks standing to appeal;
- c. The appeal is not in the necessary form or is based upon frivolous grounds;
- d. The appeal is moot because the issues raised in the notice of appeal or at the hearing have been settled by the parties; or
- e. The termination of the award was beyond the control of the department due to lack of available funds.

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