

761—2506.27(17A) Appeals and review.

2506.27(1) A decision by a presiding officer shall become the final decision of the department and is binding on the department and the party whose legal rights, duties and privileges are being determined unless either appeals the decision as provided in this subrule.

2506.27(2) No additional evidence is to be presented on appeal that is decided on the basis of the record made before the presiding officer in the contested case hearing.

2506.27(3) The appeal is to include a statement of the specific issues presented for review and the precise ruling or relief requested.

2506.27(4) An appeal of a presiding officer's decision is to be submitted in writing to the director of the bureau or division that administers the matter being contested. The appeal is deemed timely submitted if it is postmarked or delivered to the director of the appropriate bureau or division of the department within 20 days after the date of the presiding officer's decision unless otherwise provided in rule or statute.

2506.27(5) The director of the administering bureau or division will forward the appeal to the director.

2506.27(6) Failure to timely appeal a presiding officer's decision is considered a failure to exhaust administrative remedies.

2506.27(7) The director may make a decision affirming, modifying or reversing the presiding officer's decision or may remand the case to the presiding officer.

2506.27(8) The decision of the director is the final decision of the department and constitutes final agency action for purposes of judicial review. No further steps are necessary to exhaust administrative remedies.

[ARC 0338D, IAB 6/10/26, effective 6/30/26]