

**House File 58 - Introduced**

HOUSE FILE 58

BY M. SMITH

**A BILL FOR**

1 An Act providing for an appeal procedure relating to a denial  
2 of admission to the Iowa veterans home.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 35D.8 Denial of admission — appeal  
2 process.

3 1. If a veteran or surviving spouse of a veteran has been  
4 denied admission to the Iowa veterans home, the commandant or  
5 the commandant's designee shall notify the veteran or surviving  
6 spouse, in writing, of the decision, the particular basis for  
7 the decision, and the right of the veteran or surviving spouse  
8 to appeal the decision as provided in this section.

9 2. The veteran or surviving spouse may file an appeal of  
10 the decision denying admission with the commission within five  
11 calendar days of receipt of the notice of the decision. The  
12 commission shall conduct a contested case proceeding pursuant  
13 to chapter 17A. The commission shall render a decision on the  
14 appeal and notify the commandant and the veteran or surviving  
15 spouse of the decision in writing.

16 3. If the veteran or surviving spouse, or the commandant,  
17 is not satisfied with the decision of the commission, the  
18 veteran or surviving spouse, or the commandant, may appeal the  
19 commission's decision by filing an appeal with the department  
20 of inspections and appeals within five calendar days of  
21 being notified in writing of the commission's decision. The  
22 department of inspections and appeals shall render a decision  
23 on the appeal of the commission's decision and notify the  
24 commandant and the veteran or surviving spouse of the decision  
25 in writing.

26 4. If the veteran or surviving spouse, or the commandant,  
27 is not satisfied with the decision of the department of  
28 inspections and appeals, the veteran or surviving spouse, or  
29 the commandant, may seek judicial review in accordance with  
30 chapter 17A.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with  
33 the explanation's substance by the members of the general assembly.

34 This bill establishes the appeal procedure if a veteran or  
35 surviving spouse of a veteran is denied admission to the Iowa

1 veterans home.

2 The bill provides that if a veteran or surviving spouse of  
3 a veteran is denied admission, the commandant of the veterans  
4 home, or the commandant's designee, shall notify the veteran  
5 or surviving spouse, in writing, of the decision, the basis  
6 for the decision, and the right to appeal the decision. The  
7 bill provides that an appeal, if made, must be filed with the  
8 commission of veterans affairs within five calendar days of the  
9 notice of denial. The commission shall conduct a contested  
10 case proceeding concerning the denial and notify the parties  
11 of the decision in writing. The nonprevailing party then has  
12 five calendar days to appeal the commission's decision to the  
13 department of inspections and appeals. Once the department of  
14 inspections and appeals renders a decision, the bill provides  
15 that a party not satisfied with that decision may seek judicial  
16 review of the decision in accordance with Code chapter 17A.