



[About the Hearing Process](#)

If you are participating in a hearing with DIA's Administrative Hearings Division, you can expect the following steps and procedures. If you have additional questions about hearings, please [contact us](#).

Filing an Appeal

The process for filing an appeal (which is also sometimes called requesting a contested case proceeding or requesting a hearing) varies depending on agency and the type of issue that is being challenged. When an agency issues a decision that can be appealed, it will typically provide instructions with the decision on the appropriate way to file an appeal. Additional information about the process of filing an appeal may be available in the relevant agency's administrative rules or on the agency's website. For example, if you are appealing a decision of the Department of Human Services, including decisions related to Food Assistance, Medicaid, Family Investment Program (FIP), child support, and child abuse assessments, detailed information about appealing is available on the DHS Appeals Website.

A person wishing to appeal a decision ("an Appellant") needs to ensure that he or she abides by all requirements for filing the appeal. Generally, the appeal needs to be filed within a specified period of time and with the agency making the initial decision, not with the Administrative Hearings Division. Appeals that do not comply with all requirements, such as late appeals, may be denied by the agency, preventing an appellant from challenging the agency decision before an administrative law judge ("ALJ").

After receiving an appeal, an agency often sends the appellant a letter notifying the appellant that the agency received the appeal. The letter may state that the agency has decided that the appeal is valid and that the case will be sent to the Administrative Hearings Division to conduct a hearing. The letter may only state that the agency is reviewing the appeal and that the appellant will receive an additional letter or notice in the future. Or the letter may state that the agency has not granted the request for a hearing, explain the reason for the denial (such as the appeal being too late), and describe any options for seeking review of the denial decision.

Notice of Hearing

If the agency determines that an appellant has filed a valid appeal, the agency will send the appeal to the Administrative Hearings Division ("the Division"). Upon receipt of the appeal, the Division will issue a Notice of Hearing to all parties in the case. The Notice schedules the time and place of the hearing and provides other important details about the proceeding. Parties should carefully read the entire Notice of Hearing, including any information on the back of the Notice.

Parties will want to take particular note of the date and time of the hearing. The notice will state whether the hearing has been scheduled for a telephone conference or to be held in-person, typically in the Division Offices in the Wallace State Office Building in Des Moines. The Notice will also include the case number assigned to the appeal. Any documents that parties submit to the Division in the appeal should include this case number. The Notice also typically informs parties of the ALJ assigned to conduct the hearing and contact information for the ALJ. And the Notice states the issue in the appeal; this is the subject of the decision that the appellant is challenging.

Prehearing Procedures

The appellant and the agency must send a witness list and a copy of any documents or other exhibits to be considered in the hearing to the Division and the other party at least five days before the hearing. Exhibits may be mailed, faxed, or emailed to adminhearings@dia.iowa.gov.

If an appellant decides he or she no longer wishes to appeal the decision, the appellant may file a written request to withdraw the appeal. Likewise, the agency may request a dismissal of the appeal by agreeing to grant the entire relief sought by the appellant, such as for example, granting the previously denied benefit.

The Hearing

The hearing will be conducted by an administrative law judge (ALJ) employed by the Division. Most hearings are conducted by toll-free conference call. The notice of hearing will provide instructions on how to participate in the call. It is important to follow the instructions to participate in the call at the time of the hearing because a party who fails to participate may have a default order entered against them or the hearing may be conducted without the party. [Read details about telephone hearings under "How Hearings Are Conducted"](#) tab.

A party may request an in-person hearing by filing a request at least five days before the hearing. In-person hearings will typically be conducted at the Division Offices in Des Moines. An ALJ may permit one party to appear in person and the other by telephone, upon that party's request.

At the hearing, the ALJ will allow each party to present evidence and arguments in support of the party's case. The ALJ may first ask the parties to present opening statements, which is a chance to provide a summary of what the case is about. The opening statement is not evidence and an ALJ may proceed directly to hearing the evidence in less-complex cases.

After any opening statement, the parties will present their evidence. The agency will generally first present any witnesses or exhibits. Each witness will be sworn in and testify one at a time, and the appellant will have the opportunity to ask each witness questions when the witness's testimony is complete. The ALJ may also ask questions. After the agency has presented all its evidence, the appellant may present any evidence. Again, each witness will testify one at a time and the agency representative and ALJ may question the witnesses. The appellant may also testify on his or her own behalf.

Once all parties have submitted their evidence, the ALJ will ask for closing arguments. This is an opportunity to summarize the case, including any evidence previously submitted. A closing argument is not evidence, and a party may choose to waive closing argument. After any closing arguments, the ALJ will typically indicate that the record is closed and the hearing is concluded.

The Proposed Decision

After the hearing has concluded, the ALJ will issue a written decision deciding the appeal and explaining the ALJ's reasons for the decision. The judge will not typically announce the decision during the hearing. The written decision must include findings of fact and conclusions of law as part of the decision and will typically be issued within 30 days of the hearing.

The decision written by the ALJ is typically a proposed decision that can be adopted, modified, or reversed by the final decision maker, which is typically the Director of the state agency or sometimes

an entire Board or Commission. Any party, including the agency, may appeal the ALJ's proposed decision, as discussed further below. If no party appeals the ALJ's proposed decision within the time required by agency rule, the proposed decision becomes the final agency decision automatically.

Appealing the Proposed Decision

A proposed decision issued by an ALJ will typically contain instructions on how to appeal the decision or be accompanied by a separate document that explains how to appeal the decision. A party must carefully follow the instructions for properly appealing the decision, including any deadline for filing the appeal. As with filing the initial appeal, an appellant who fails to file a proper appeal of the proposed decision may have the appeal denied and be prohibited from any further challenge of the agency decision.

The final decision maker may send a notice that the appeal of the proposed decision has been received and may provide additional information about its procedures for issuing a final decision. Parties may submit written arguments to the final decision maker and may request the opportunity to present oral arguments. The final decision maker will ultimately issue a written final decision.

Rehearing & Appealing a Final Decision to District Court

Within twenty days of the issuance of a final decision, any party may file an application for rehearing. The application must state the specific grounds for the rehearing and the relief sought and must be timely mailed to the agency and to all parties not joining in the application. The agency final decision or the applicable administrative rules may provide additional details on how an application for rehearing must be filed and whether an application for rehearing is required to be filed before appealing the agency decision to district court. An application for rehearing is considered to be denied unless the agency grants the application within twenty days after its filing.

A party who loses in the agency's final decision may appeal the decision to the district court by filing a petition for judicial review under [Section 17A .19 of the Iowa Code](#) within 30 days of the date of final agency decision.

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