FILED
FEB 23 1983
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

346

DANIEL SIMON,

Petitioner-Appellant,

vs.

INSULATION SERVICE INC., Employer; EMPLOYERS INSURANCE OF WAUSAU, Insurance Carrier, and IOWA INDUSTRIAL COMMISSIONER,

Respondents-Appellees.

Filed February 23, 1983

2-414
2-67737

Appeal from Woodbury District Court - James P. Kelley, Judge.

Petitioner appeals from the district court decision on judicial review sustaining respondents' special appearance in a workers' compensation case. AFFIRMED.

MacDonald Smith of Smith & Smith, Sioux City, for petitioner-appellant.

James M. Cosgrove and Paul D. Lundberg of Shull, Marshall & Marks, Sioux City, for respondents-appellees.

Heard en banc.

PER CURIAM

Petitioner appeals from the district court decision on judicial review sustaining respondents' special appearance in a workers' compensation case, asserting that his motion to reconsider or reinstate, filed before respondent industrial commissioner, should be deemed either an application for rehearing pursuant to Iowa Code section 17A.16(2) or a motion to enlarge or amend pursuant to Iowa R. Civ. P. 179(b) and that his petition for judicial review was therefore timely. Respondents assert that petitioner did not present to district court, and thereby waived, the argument that rule 179(b) is applicable. We affirm.

The sequence of events, all of them in the year 1981, was as follows:

> Feb. 26: Original decision of the deputy commissioner.
>
> Mar. 11: Claimant filed appeal with the Industrial Commissioner.
>
> Mar. 13: Claimant's attorney was sent letter requesting that transcript be filed within thirty days, pursuant to Iowa Code section 86.24(4).
>
> Apr. 24: Commissioner, stating that neither transcript nor request for extension of time had been filed, ordered appeal dismissed if no transcript was filed by May 14.
>
> May 18: Commissioner, stating that no transcript had been filed and no further communication received from petitioner, ordered appeal dismissed.
>
> May 26: Petitioner filed motion to reconsider or reinstate with commissioner.
>
> June 9: Commissioner overruled motion filed on May 26.
>
> July 8: Petitioner filed petition for judicial review of June 9 decision on ground that it was contrary to the Constitution and statutory law, was made on unlawful procedures, was unreasonable, arbitrary, capricious, and characterized by abuse of discretion; and asked for reversal of the order of June 9.
>
> Oct. 5: Court sustained special appearance for respondents on the ground that the May 25 motion was not an "application for rehearing, stating the specific grounds therefor, and the relief sought," as required by Iowa Code § 17A.16(2).

Petitioner argues that since the petition he filed with the court on July 8 was an appeal of the June 9 action and complied with statutory requirements, the court erred in sustaining respondents' special appearance. We disagree.

The commissioner's dismissal of claimant's appeal was issued on May 18, and the petition for judicial review was not filed within thirty days of that action. Iowa Code § 17A.19(3) (1981). Requirements of the Iowa Administrative Procedure Act providing for judicial review of agency action are jurisdictional and must be met. Ford Motor Co. v. Iowa Dept. of Transportation Regulation Board, 282 N.W.2d 701, 703 (Iowa 1979); Iowa Ind. Comm. v. Davis, 286 N.W.2d 658, 662 (Iowa 1979).

Petitioner's argument that his motion to reconsider or reinstate was a motion for a rehearing after the commissioner dismissed his case cannot stand under analysis. Under the requirements of Iowa Code section 17A.16(2), a person filing an application for a rehearing must state the specific grounds upon which the application is based, and the relief sought. Petitioner's application merely recited various general grounds enumerated in the statute without specifying in particular what errors of law or of fact the commissioner might have made that would justify a rehearing. Such broad and general "grounds" provide no guidance at all to the agency or the court in any effort it might make to correct such errors as it might have made. The purpose of a statute providing for rehearings is precisely to enable the agency to correct any errors that might have been made in its proceedings. Village of Cobb v. Public Service Commissioner, 12 Wisc.2d 441, 107 N.W.2d 595, 604 (1961). Petitioner's motion recites no grounds for his contention that the commissioner's action in dismissing his appeal for failure to file a transcript, as required by law, was erroneous. It therefore fails to comply with the statute.

Petitioner's second argument, that his motion to reconsider should be

construed as being analogous to a motion under rule 179(b), Iowa Rules of Civil Procedure, is without merit, for in his motion, he did not allege that the commissioner had failed to resolve any issue of fact or law or any claim or defense raised by petitioner, and did not ask the commissioner to enlarge his findings and conclusions.

The facts are evident on the face of the record: After receiving notice of his obligation to provide the commissioner with a transcript of the proceedings from which he appealed, and being given more than the amount of time provided in the statute to file such a transcript before dismissal of his appeal, petitioner failed to comply with the statutory requirements, and his appeal was dismissed, as required by law. Petitioner's application for rehearing, if that is what it was, was defective. The bald claim that the commissioner's actions were arbitrary, capricious, unconstitutional, and contrary to the law without specifying how they deserve to be so characterized is not sufficient to comply with the requirements of the IAPA for judicial appeals of administrative actions. We therefore affirm.

AFFIRMED.