

**IN THE COURT OF APPEALS OF IOWA**

No. 6-1023 / 06-0238  
Filed February 28, 2007

**ADIL DAOUD (ADAMS),**  
Petitioner-Appellant,

**vs.**

**IOWA DEPARTMENT OF HUMAN SERVICES,**  
Respondent-Appellee.

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Appeal from the Iowa District Court for Johnson County, Marsha Beckelman, Judge.

Adil Daoud appeals the district court's judicial review ruling. **AFFIRMED.**

Adil Daoud (Adams), Iowa City, pro se.

Thomas J. Miller, Attorney General, and Barbara E.B. Galloway, Assistant Attorney General, for appellee.

Considered by Mahan, P.J., and Miller and Vaitheswaran, JJ.

**VAITHESWARAN, J.**

The Department of Human Services provided transitional child care benefits to the family of Adil Daoud. As a condition of eligibility, Daoud was obligated to make monthly co-payments. See Iowa Admin. Code r. 441-49.27, .28 (1999).<sup>1</sup> Approximately twenty-two months after Daoud began receiving these benefits, the Department determined that he was \$432 in arrears on his co-payments. Daoud did not agree to satisfy this past-due obligation and the Department cancelled his benefits.

Following an evidentiary hearing challenging that action, an administrative law judge concluded that Daoud failed to make “satisfactory arrangements” for payment within the meaning of rule 49.28. He affirmed the cancellation of benefits. The Department subsequently adopted this proposed decision as the final agency decision.

Daoud sought judicial review, arguing that the agency decision was not supported by substantial evidence and was unreasonable, arbitrary, capricious, and characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.<sup>2</sup> The district court affirmed the agency decision.

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<sup>1</sup> Rule 49.28 states in pertinent part “[e]ach family receiving transitional child care assistance shall pay the copayment amount determined in [rule 49.27] as a condition of eligibility for the program.” The rule further states, “[i]f a family does not cooperate in paying its fee, it shall become ineligible for continued transitional benefits, and it shall remain ineligible for so long as back fees are owed, unless satisfactory arrangements are made to make payment.”

<sup>2</sup> Daoud challenged the agency action on several grounds. A prior appeal resolved one of the issues raised by him.

On appeal from this ruling, Daoud again argues “the Department wrongly canceled transitional child care assistance and other benefits.”<sup>3</sup> Like the district court, we apply the judicial review standards set forth in Iowa Code section 17A.19(10) (2005). Under those standards, there is no question that the Department was “clearly vested” with discretion to make legal interpretations and fact findings and to apply law to fact on the question of Daoud’s eligibility for transitional child care benefits. See Iowa Code § 239B.4(4) (authorizing Department to adopt rules to administer the chapter); *City of Marion v. Iowa Dep’t of Revenue and Fin.*, 643 N.W.2d 205, 207 (Iowa 2002).<sup>4</sup> The Department did so, and its views are entitled to deference. Iowa Code § 17A.19(11)(c).

Applying the pertinent judicial review standards, we agree with the district court that Daoud is not entitled to relief.

**AFFIRMED.**

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<sup>3</sup> Constitutional issues raised in the present appeal have not been preserved for review. See *Garwick v. Iowa Dep’t of Transp.*, 611 N.W.2d 286, 288 (Iowa 2000).

<sup>4</sup>Neither party contests the applicability of this statute or the implementing rules to this agency action.