04 NCAC 24C .0102 TIMELINESS EXCEPTION

Timeliness sanctions shall be waived by the Appeals Referee when DES or an agent state representative gives misleading information on appeal rights to a party, if the party:

(1) establishes what he or she was told was misleading and how he or she was misled, pursuant to the procedures in 04 NCAC 24C .0101;

(2) identifies, if possible, the individual who misled him or her; and

(3) establishes that DES did not provide the party with any written instructions contrary to the misleading information with service of the decision being appealed.

History Note: *Authority G.S. 96-4; 96-15;*
Eff. July 1, 2015;
Amended Eff. July 1, 2018.