

04 NCAC 24F .0305 COMBINATION TELEPHONE AND IN-PERSON HEARINGS BEFORE THE BOARD OF REVIEW

- (a) The Board of Review or designated Hearing Officer may conduct an in-person/telephone hearing to avoid prejudice, to ensure security, to comply with standards for appeal promptness, or to expedite an appeal.
- (b) A party may obtain an in-person/telephone hearing by filing a written objection to a telephone conference call hearing notice pursuant to 04 NCAC 24F .0303, or to an in-person hearing notice pursuant to 04 NCAC 24F .0304.
- (1) The objection shall state each reason that the party objects to appearing in the manner listed in the hearing notice.
 - (2) The objecting party shall state the manner in which it, or its witnesses, request to appear for the hearing.
 - (3) This request shall be directed to the Board of Review or Hearing Officer designated in the hearing notice.
- (c) The Board of Review or Hearing Officer shall consider a party's request to change its witnesses' appearance from a telephone or in-person hearing, and shall make a determination of whether the substantial rights of each party would be preserved by granting the party's request.
- (d) The Board of Review or Hearing Officer may grant a request to change an appearance by telephone or in-person for good cause as defined in 04 NCAC 24A .0105. If the request is granted, the official hearing record shall include the written request for the change, reflect the Board of Review's or Hearing Officer's determination that the substantial rights of each party would be preserved by granting the request, and each reason for the determination.
- (e) The objecting party shall appear in-person or by telephone as requested by the objecting party if the Board of Review or Hearing Officer grants the request.
- (f) The Board of Review or Hearing Officer may deny a request to change a party's appearance at a telephone or in-person hearing if:
- (1) the Board of Review or Hearing Officer believes that the requesting party's intent is to inconvenience the opposing party or delay the proceedings;
 - (2) the party or witnesses request to appear by telephone, and are less than 40 miles away from an in-person hearing location; or
 - (3) the request is made less than 24 hours before the hearing is scheduled to begin.
- (g) If a party's request for a change to a telephone or in-person hearing is denied, the Board of Review or Hearing Officer shall state the grounds for denial on the record, include the written request in the official records, and state the reasons for the denial in the written decision.
- (h) The Board of Review or Hearing Officer shall notify each party of the change prior to the hearing.

*History Note: Authority G.S. 96-4; 96-15.3;
Eff. July 1, 2018.*