

**10A NCAC 05E .0114 FAILURE TO APPEAR AT HEARING**

(a) A party to a decision review hearing may waive the right to be present during any portion of the proceedings. The waiver must be knowingly and intelligently made by the party or his designated representative.

(b) If a party served with notice of hearing fails to appear at a scheduled hearing without having waived his right to be present, the Hearing Officer may:

- (1) proceed with the hearing in the party's absence;
- (2) order a continuance or like disposition;
- (3) enter an order of default; or
- (4) deny review of the decision.

*History Note:* Authority G.S. 143B-10; 143B-138; 143B-181.1; 42 U.S.C., Sec. 3027(a)(5); 45 C.F.R., Part 1321; 45 C.F.R., Part 74, Appendix G; Eff. October 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.