

10A NCAC 43D .0910 HEARING PROCEDURE AND RIGHTS OF THE AGGRIEVED PARTY

- (a) Any party to the hearing may be assisted or represented by an attorney or other person.
- (b) Any party to the hearing may examine, prior to and during the hearing, the documents and records presented to support the action under appeal.
- (c) The hearing shall be open to the public, and the aggrieved party and the state and local agency may have witnesses.
- (d) Any party to the hearing may present any oral or documentary evidence and arguments.
- (e) Any party to the hearing may question or refute any testimony or other evidence.
- (f) Any party to the hearing may submit evidence to establish pertinent facts and circumstances in the case.
- (g) The appellant or his or her representative may obtain a continuance by notifying the hearing officer by telephone or in writing at least 48 hours before the original hearing date. If the appellant or representative fails to attend the scheduled hearing without requesting a continuance from the hearing officer by telephone or in writing at least 48 hours before the original hearing date, the appellant waives any right to a hearing and the original action of the agency shall become final, unless the failure to attend the hearing without requesting a continuance was due to circumstance beyond the control of the appellant or his or her representative.

*History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
Eff. July 1, 1981;
Amended Eff. July 1, 1987; October 1, 1985;
Temporary Amendment Eff. July 1 2002;
Amended Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
23, 2017.*