

**10A NCAC 89B .0221 FAILURE TO APPEAR**

(a) If the applicant or client fails to appear at the hearing and does not have a representative present, the hearing officer shall cancel the hearing.

(b) The applicant or client may submit a written request for rescheduling of the hearing to the Division staff member who appointed the hearing officer. The request shall provide an explanation of the individual's failure to appear at the hearing or to have a representative present. The Division staff member who appointed the hearing officer may instruct the hearing officer to reschedule the hearing upon a showing of good cause by the applicant or client. "Good cause" may include death or incapacitating illness of the party or an immediate family member of the party, the party's representative, or the party's attorney; involvement in an accident that prevents timely notification of the hearing officer; or failure to receive proper notice of the hearing.

*History Note: Authority G.S. 143-545A; 150B-1; 34 C.F.R. 361.48;  
Eff. September 1, 1989;  
Amended Eff. April 1, 1997;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*