

21 NCAC 40 .0422 MOTIONS FOR CONTINUANCE

(a) The Chair or presiding officer shall grant motions for a continuance of a hearing upon a showing of good cause. In determining whether good cause exists, the Chair or presiding officer shall consider the ability of the party requesting a continuance to:

- (1) Proceed effectively without a continuance;
- (2) Obtain legal counsel, and whether efforts to obtain counsel have been diligent;
- (3) Obtain consent of the other party in the hearing;
- (4) Have key witnesses that are unavailable for the hearing; and
- (5) Have witnesses who have been served with a subpoena unavailable for the hearing.

(b) Motions for a continuance shall be in writing and shall be received in the office of the Board no less than seven calendar days before the hearing date.

(c) A motion for a continuance which is filed less than seven calendar days from the date of the hearing shall be denied, unless the reason for the motion could not have been ascertained earlier.

(d) Motions for continuance filed on the day of the hearing shall be ruled on by the Chair or presiding officer.

*History Note: Authority G.S. 90-239;
 Eff. September 1, 2012;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
 22, 2018.*