

**21 NCAC 46 .2005 GRANTING OR DENYING HEARING REQUEST**

(a) The Board shall grant a request for a hearing if it determines that the petitioner is a "person aggrieved" within the meaning of G.S. 150B-2(6). The Board shall provide notice of the time and place for the hearing. If the party fails to appear, the Board may deny the party's request for failure to prosecute it or may proceed to hear the matter in the party's absence.

(b) If the Board determines the petitioner is not a person aggrieved, the Board shall issue a denial that shall constitute a final agency decision.

*History Note: Authority G.S. 90-85.6; 150B-38; 150B-40; 150B-42;  
Eff. July 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,  
2017;  
Amended Eff. August 1, 2020.*