

24 NCAC 03 .0508 DISQUALIFICATION OF MEMBER OF BOARD OR HEARING EXAMINER

(a) A member of the Board or the hearing examiner may withdraw from a proceeding whenever the Board member or hearing examiner deems himself or herself to be disqualified.

(b) Any party may request a Review Board member or hearing examiner, before or at the time of the hearing, to withdraw on the grounds of personal bias or disqualification, by filing a motion. Such motion shall set forth in detail the matters alleged to constitute grounds for disqualification.

(c) If, in the opinion of the Review Board member or hearing examiner, the motion referred to in Paragraph (b) of this Rule is filed with reasonable cause and is sufficient on its face, the Review Board member or hearing examiner shall forthwith be disqualified and withdraw from the proceeding.

(d) If the Review Board member or hearing examiner denies the request for disqualification and does not withdraw from the proceeding, the Review Board member or hearing examiner shall so rule upon the record, stating the grounds for ruling and shall proceed with the hearing, or, if the hearing has closed, the Review Board member or hearing examiner shall proceed with the issuance of a decision and the provisions of Rule .0601 of this Chapter shall thereupon apply.

*History Note: Authority G.S. 95-135;
Temporary Rule Eff. October 2, 1991 For a Period of 180 Days to Expire on March 30, 1992;
Eff. February 3, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*