

04 NCAC 24F .0107 TIMELINESS EXCEPTION

Timeliness sanctions shall be waived by the Board of Review or its designee when the Board of Review, DES, or an agent state representative gives misleading information on appeal rights to a party, if the party:

- (1) establishes what he or she was told was misleading and how he or she was misled, using the criteria set forth in 04 NCAC 24F .0106;
- (2) identifies, if possible, the individual who misled him or her; and
- (3) establishes that the Board of Review or DES did not provide the party with any written instructions contrary to the misleading information with service of the decision being appealed.

History Note: *Authority G.S. 96-4; 96-15; 96-15.3;*
Eff. July 1, 2018.