SECTION .0700 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS

21 NCAC 66 .0701 FAILURE TO APPEAR

(a) Continuances and adjournments will be granted only in compelling circumstances.

(b) Should a party fail to appear at a hearing or fail to appear following the granting of a continuance or adjournment, the hearing will be conducted in the party's absence.

(c) If a hearing is conducted and a decision is reached in an administrative hearing in the absence of a party, that party may file a written petition with the Board for a reopening of the case.

(d) Petitions for reopening a case will not be granted except when the petitioner can show that the reasons for his failure to appear were justifiable and unavoidable and that fairness requires reopening the case. Such petitions, however, will have no effect on the running of the 30-day period for seeking judicial review, which starts from the day the party is served with the final decision.

History Note: *Authority G.S. 90-185; 150B-11; 150B-38; 150B-40;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.