

**21 NCAC 68 .0609            PETITION FOR REOPENING CASE**

- (a) If a party, upon proper notice fails to appear, the hearing may proceed without the party. However, if the inquiry is conducted or a decision is reached in an administrative hearing in the absence of a party, or if a dismissal is entered prior to the granting of one continuance to the person petitioning for reopening the case, that party may file a written petition with the Board for a reopening of the case. The petition caption shall be entitled: "Petition for Reopening Hearing of Respondent."
- (b) Petitions for reopening a contested case shall not be granted unless the petitioner can show that his or her failure to appear was justified and unavoidable and that fairness requires reopening the case.
- (c) The decision of the Board to grant or deny the petition to reopen shall be in writing and a copy shall be sent to the petitioner and made a part of the record of the hearing.

*History Note:     Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.40; 90-113.44; 90-113.45;  
Eff. February 1, 1996.*