

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

(a) If a party 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 their failure to appear was due to personal or family medical emergency.

(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:        Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.40; 90-113.44; 90-113.45;*  
*Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule*  
*becomes effective, whichever is sooner;*  
*Eff. February 1, 1996;*  
*Readopted Eff. October 1, 2020.*