

§ 1174.17 Disqualification of reviewing official or ALJ.

(a) A reviewing official or an ALJ may disqualify himself or herself at any time.

(b) Upon any party's motion, the reviewing official or ALJ may be disqualified as follows:

(1) The party must support the motion by an affidavit containing specific facts establishing that personal bias or other reason for disqualification exists, including the time and circumstances of the party's discovery of such facts;

(2) The party must file the motion promptly after discovery of the grounds for disqualification or the objection will be deemed waived; and

(3) The party, or representative of record, must certify in writing that such party makes the motion in good faith.

(c) Once a party has filed a motion to disqualify, the ALJ will halt the proceedings until he or she resolves the disqualification matter. If the ALJ disqualifies the reviewing official, the ALJ will dismiss the complaint without prejudice. If the ALJ disqualifies himself or herself, the authority will promptly reassign the case to another ALJ.