

## 498.70 Dismissal for cause.

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On his or her own motion, or on the motion of a party to the hearing, the ALJ may dismiss a hearing request either entirely or as to any stated issue, under any of the following circumstances:

- (a) Res judicata. There has been a previous determination or decision with respect to the rights of the same affected party on the same facts and law pertinent to the same issue or issues which has become final either by judicial affirmance or, without judicial consideration, because the affected party did not timely request reconsideration, hearing, or review, or commence a civil action with respect to that determination or decision.
- (b) No right to hearing. The party requesting a hearing is not a proper party or does not otherwise have a right to a hearing.
- (c) Hearing request not timely filed. The affected party did not file a hearing request timely and the time for filing has not been extended.