

5050 Withdrawal and Reinstatement

(a)

An appellant or petitioner may apply to withdraw an appeal or petition before the decision of the administrative law judge is served.

(b)

Upon such an application, an administrative law judge shall order the appeal or petition dismissed.

(c)

An applicant may apply to withdraw an application for reinstatement, reopening, or vacating a decision before the order of the administrative law judge on the application is served.

(d)

Upon such an application to withdraw, an administrative law judge shall order the application for reinstatement, reopening, or vacating dismissed.

(e)

The appellant, petitioner, or applicant may file an application for reinstatement within 30 days after service of an order dismissing an appeal, petition, or application due to withdrawal. The application shall specify the reason for reinstatement. If the application is untimely, it shall also specify the reason for the delay.

(f)

If the application fails to specify the reason for reinstatement or, if applicable, for its untimeliness, an administrative law judge may serve notice requiring the applicant to specify the reason by filing it within 10 days after service of such notice. If the applicant fails to comply, an administrative law judge may order reinstatement denied.

(g)

If the reason specified by the applicant shows that there is no good cause for reinstatement, or, if applicable, for the untimely application, an administrative law judge may order reinstatement denied.

(h)

An application for reinstatement that is not otherwise denied in accordance with this rule shall be scheduled for hearing. If the applicant shows good cause for reinstatement, and, if applicable, for the untimely application, the appeal or petition shall be ordered reinstated; otherwise reinstatement shall be ordered denied.

(i)

If an applicant for reinstatement fails to appear in the hearing on reinstatement, an administrative law judge may order reinstatement denied.