

## **51043 Disqualification of Hearing Officer**

### **(a)**

A hearing officer shall voluntarily withdraw from any proceedings in which the hearing officer: (1) Cannot give a fair or impartial hearing. (2) Has an interest.

#### **(1)**

Cannot give a fair or impartial hearing.

#### **(2)**

Has an interest.

### **(b)**

A party may request the disqualification of a hearing officer by filing an affidavit stating in detail the grounds upon which it is claimed that a fair and impartial hearing cannot be given or that the hearing officer has an interest in the proceeding. The hearing officer shall immediately present the affidavit to the Chief Counsel of the Department who shall: (1) Investigate the allegations and advise the complaining party in writing of the decision granting or denying the request to disqualify the hearing officer. A copy of the decision shall be mailed to the other parties. Or (2) Reassign the case to another hearing officer without investigation.

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**(2)**

Reassign the case to another hearing officer without investigation.