

53634 Defaults

(a)

Failure to file a timely Notice of Defense and to serve a copy on the provider or failure to appear at a hearing shall be deemed a default and a waiver of the defaulting party's right to a hearing unless, prior to decision in the matter: (1) The party shows good cause for the failure. (2) All parties have stipulated in writing that the failure shall not be deemed a default.

(1)

The party shows good cause for the failure.

(2)

All parties have stipulated in writing that the failure shall not be deemed a default.

(b)

The hearing officer may, following a default:(1) Render a decision based upon the defaulting party's express admissions, or upon other evidence. (2) Receive affidavits as evidence without notice to the defaulting party. (3) Render a decision against the defaulting party without receiving evidence or argument if the burden of proof is on the defaulting party.

(1)

Render a decision based upon the defaulting party's express admissions, or upon other evidence.

(2)

Receive affidavits as evidence without notice to the defaulting party.

(3)

Render a decision against the defaulting party without receiving evidence or argument if the burden of proof is on the defaulting party.