

120214 Disqualification of an Administrative Law Judge

(a)

The Administrative Law Judge shall voluntarily withdraw from any proceeding in which the Administrative Law Judge cannot give a fair and impartial hearing or in which the Administrative Law Judge has an interest.

(b)

A party may request at any time prior to the close of the record, that the Administrative Law Judge be disqualified upon the grounds that a fair and impartial hearing cannot be held, or a fair and impartial decision cannot be rendered. Such request shall be ruled upon by the Administrative Law Judge prior to the close of the record.

(c)

If, at the beginning or during the hearing, the Administrative Law Judge upholds a party's motion for disqualification, the matter shall be postponed for no more than 30 days, and a different Administrative Law Judge shall be assigned. A postponement due to a disqualification of an Administrative Law Judge shall be considered a postponement with good cause. If, after the hearing, but before the close of the record, the Administrative Law Judge determines that disqualification is appropriate, a further hearing shall be granted pursuant to Section 120217(a)(3).