

## **120213 Abandonment**

### **(a)**

If a complainant or authorized representative fails to appear at the scheduled hearing without good cause as specified in Section 120210(a)(1) through (6), the hearing request shall be considered abandoned.

### **(b)**

Prior to dismissing a hearing request based on the complainant's abandonment, the State Hearing Office shall notify the complainant by mail that the matter shall be dismissed on the failure of the complainant or authorized representative to appear, and that a dismissal shall occur 15 days after the notice is sent, unless the complainant requests the hearing request be reinstated and establishes good cause as specified in Section 120210(a)(1) through (6) for failing to appear at the hearing. (1) The State Hearing Office shall have authority to request a written declaration or other verification from the complainant to support the reason(s) for the nonappearance. (2) If the complainant presents information to explain the failure to appear, but the information fails to establish good cause for the nonappearance, the State Hearing Office shall dismiss the hearing request and provide written notice to the complainant within 10 days of the dismissal. (3) If the complainant fails to respond to the notification sent by the State Hearing Office within the time allotted, the notice sent pursuant to subsection (b) shall serve as notice of dismissal.

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The State Hearing Office shall have authority to request a written declaration or other verification from the complainant to support the reason(s) for the nonappearance.

**(2)**

If the complainant presents information to explain the failure to appear, but the information fails to establish good cause for the nonappearance, the State Hearing Office shall dismiss the hearing request and provide written notice to the complainant within 10 days of the dismissal.

**(3)**

If the complainant fails to respond to the notification sent by the State Hearing Office within the time allotted, the notice sent pursuant to subsection (b) shall serve as notice of dismissal.