

1400.8560 DEFAULT.

A default occurs when a party fails to appear without the prior consent of the judge at a prehearing conference, settlement conference, or a hearing. If the agency appears at a hearing but the party against whom the agency intends to take action does not, the allegations in the notice of hearing shall be taken as true and deemed proved without further evidence. If the party against whom the agency intends to take action appears at a hearing, but the agency fails to appear, the administrative law judge shall recommend that the hearing be dismissed with prejudice. If neither the agency nor any other party appear at a hearing, the administrative law judge shall recommend that the case be dismissed with prejudice.

Statutory Authority: *MS s 14.51; 15.474; 116C.66; 216E.16*

History: *9 SR 2276; L 1984 c 640 s 32; 15 SR 1595; 26 SR 391*

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