

Sec. 31-237g-53. Rescheduling; postponements

(a) A hearing scheduled by the Board may, for good cause, be rescheduled to another date, time or location at the initiative of the Board or upon the request of a party or the attorney or authorized agent for such party, which reveals good cause for such request. Such a request need not be in writing but shall be promptly made as far as possible in advance of the hearing and shall describe the good cause alleged for the request. Such a request should be made to the office which issued the notice of hearing. The Board may request that the reasons given in oral rescheduling requests be subsequently confirmed in writing or sworn affidavit by the party, attorney or authorized agent who made the request. The Board shall, with regard to each such rescheduling request, promptly decide upon the request and record the following in the appeal file: (1) the person making such request; (2) the party on whose behalf the request was made; (3) the date and time such request was received; (4) the good cause alleged for such request; (5) the decision upon such request and the reasons therefor; (6) the manner in which such decision was conveyed to the requesting party; and (7) the name of the Appeals Division staff member involved with such communication. The Board may deny any request that is not based upon good cause or that is not timely made. The Board decision denying such a rescheduling request need not otherwise be in writing.

(b) Upon granting any such rescheduling request, the Board shall:

(1) promptly make a reasonable effort to verbally notify each party, and attorney or authorized agent of record for such party, as to the rescheduling if it is reasonable to assume that mailed written notice of such rescheduling would not timely arrive, and record the date and time of such notification and the person to whom such notification was conveyed; and

(2) confirm such rescheduling with a written notice of rescheduling which shall be sent to all parties and list the following information: the party who made the request, the good cause alleged for the request, and, if known, the new day, date, time and place for the rescheduled hearing; if such notice indicates the new day, date, time and place of such hearing, such notice shall be in lieu of reissued notice otherwise required by Section 31-237g-52 of these regulations.

(c) Any party aggrieved by the Board's decision on a rescheduling request may petition for review of such decision but only as a part of any subsequent petition which addresses the Board's eventual decision on the appeal by way of either an appeal to Superior Court or a motion to the Board to reopen, vacate, set aside or modify.

(Effective January 1, 1988; Amended October 27, 1997)