

**Sec. 31-91-27. Postponements**

(a) Where the board has scheduled a case a party may within 15 days of receipt of the hearing notice request one postponement per case by: (1) obtaining from the opposing party an agreement for the postponement, (2) confirming a new mutually acceptable hearing date, (which must be at least three months but not longer than six months from the date of the postponement request), and (3) notifying the case manager, who originally scheduled the case, of the agreement to postpone and the new mutually acceptable hearing date. Unless the parties have agreed on a postponement and a new hearing date, and have so notified the case manager within 15 days, the request for postponement shall proceed under the board's formal postponement policy set forth in subsection (c) of this section.

(b) In priority and expedited cases where a hearing date has been scheduled a party may within 15 days of receipt of the hearing notice, request one postponement per case by: (1) obtaining from the opposing party an agreement for the postponement, (2) confirming a new mutually acceptable hearing date, and (3) notifying the case manager who originally scheduled the case of the agreement to postpone and the new mutually acceptable hearing date. Where the parties have not agreed on a postponement or a new hearing date within 15 days and have not so notified the case manager, the request for postponement shall proceed under the board's formal postponement policy set forth in subsection (c) of this section.

(c) Any formal postponement shall be granted by the board only where the requesting party or parties have demonstrated to the board that there is sufficient cause for such postponement.

(d) For the purposes of this section sufficient cause includes, but is not limited to:

- (1) death or illness;
- (2) spokesman handling the case is required to appear in court and cannot be available at a later time that day; (evidence of court appearance is required);
- (3) a previously scheduled vacation; or,
- (4) a previously scheduled interest arbitration hearing.

In all postponement requests the board may require written documentation, which shall become part of the record.

(e) The board shall contact the non-requesting party to give them an opportunity to comment prior to granting a postponement where the request for postponement is for a reason other than those enumerated in subsection (d) of this section.

(f) The board shall notify the parties to the case that a postponement has been granted.

(Effective January 30, 1981; Amended April 5, 1999)