**Section 104.440 Failure to Appear**

If the household member or representative cannot be located or fails to appear at the scheduled hearing without good cause, the hearing is to be conducted without the household member represented. Even though the household member is not represented, the hearing official is required to consider the evidence and determine if an intentional violation of the program was committed based on clear and convincing evidence. If a determination of intentional violation of the program is made, the member has 10 calendar days from the date of the scheduled hearing to present reasons showing good cause for failure to appear. (See 89 Ill. Adm. Code 104.60(e) for definition of good cause.) The hearing officer is to determine if the household member had good cause for not appearing and enter the good cause decision on the record. A new hearing is to be conducted if the good cause decision is in favor of the household member.

(Source: Amended at 8 Ill. Reg. 5274, effective April 9, 1984)