**Section 270.464 Failure to Appear**

a) Unless a continuance is granted pursuant to Section 270.436, a matter will be considered abandoned and therefore dismissed if:

1) A party does not appear at the time, date and place designated for the hearing;

2) A party fails or refuses to proceed with the hearing; or

3) A party failed to notify the Department/other entity of a change of address and a notice of the administrative hearing, sent to the party's last known address, was returned as "undeliverable", "unclaimed", "refused", "moved", or "no forwarding address" or other type of returned mail, via postal or electronic mail.

b) Parties will be informed of the abandonment and resulting dismissal by written notice.

c) A request to vacate a dismissal resulting from abandonment is to be in writing and signed by the party that failed to appear. These requests are to be made to the Department/other entity within 15 calendar days after notice of dismissal. Dismissals will be vacated only if good cause for nonappearance is shown. Good cause for failure to appear includes, but is not limited to:

1) Death or serious illness in the immediate family of a party or a party's representative;

2) Failure of the Department/other entity to give notice of the proceeding to a party and Department representative in accordance with this Subpart; or

3) An unanticipated circumstance for which the party could not reasonably request a continuance.

d) When a responding party fails to appear, the ALJ will proceed with the hearing to obtain evidence from the party who bears the burden of proof. Failure to appear at the time, place and date set for hearing will be deemed a waiver of the right to present evidence.

(Source: Added at 42 Ill. Reg. 9226, effective July 1, 2018)