**Section 1203.40 Requests for Evidentiary Hearings**

An application, petition, or motion (other than a motion for reconsideration) before a board may request either an evidentiary hearing or review solely on the record before the board. If the motion does not contain an express request for an evidentiary hearing before a hearing examiner, the movant will be deemed to have waived any right to an evidentiary hearing and elected to limit the Board to review of the record. If the motion requests relief from the board or in the alternative, an evidentiary hearing, the board shall either grant the relief or refer the matter for an evidentiary hearing before a hearing examiner.