

COMAR 28.02.01

.23 Failure to Attend or Participate in a Hearing, Conference, or Other Proceeding; Default.

A. If, after receiving proper notice, a party fails to attend or participate in a prehearing conference, hearing, or other state of a proceeding, the judge may proceed in that party's absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party.

B. Final Default Orders.

(1) Unless otherwise provided by law, a party may move to vacate a final order of default within 30 days after the date of the order. The motion shall state the reasons for the failure to attend or participate in the proceeding.

(2) If the judge finds that there is good cause for the party's failure to attend or participate in the proceeding, the judge shall vacate the order and set the case in for further proceedings as appropriate.

(3) If a motion is not filed under §B(1) of this regulation, or is filed and denied, the final default order is effective.

C. Proposed Default Orders. A proposed default order is reviewable in accordance with the delegating agency's regulations governing review of proposed decisions.