**Section 1700.117 Default, Other Sanctions and Penalties**

If a party, after proper service of notice, fails to appear at an informal conference or administrative hearing, and if no continuance has been granted, the Administrative Law Judge may proceed to make a decision in the absence of that party.

a) The ALJ may impose sanctions and penalties if the ALJ finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Sanctions and penalties include, but are not limited to, default judgment or directed finding on one or more issues.

b) If a party fails to testify on their own behalf with respect to any question propounded to them, the ALJ may infer that the testimony or answer would have been adverse to the petitioner's case.

c) Failure of a party to appear at a hearing or scheduled proceeding without an emergency reason shall constitute an admission of all matters and facts contained in the notice of denial. In these cases, the ALJ may take action based upon that admission or upon any other evidence, including affidavits, without any further notice to the petitioner.

d) If the failure to appear is due to an emergency situation beyond the parties' control, and the Department has been notified of the situation on or before the scheduled informal status conference or administrative hearing, the conference or hearing will be continued or postponed pursuant to Section 1700.110. Emergency situations include sudden unavailability of counsel, sudden illness of a party or their representative or similar situations beyond the parties' control.

(Source: Added at 47 Ill. Reg. 13886, effective September 18, 2023)