**Section 104.45 Postponement or Continuation of Hearings**

a) The Department may postpone or continue a hearing as provided in this Section. As used in this Section, a "postponement" is a decision not to convene the hearing on its scheduled date and a "continuance" is a decision not to proceed with a hearing that has convened.

b) A request to postpone or continue a hearing may be made prior to or at the hearing, and should be made as soon as the party or representative becomes aware that good cause might exist for either not appearing for, or not proceeding with, the hearing. See subsection (b)(2) for what constitutes "good cause".

1) All requests for postponement made prior to the hearing must be directed to the Assistance Hearings Section. Except for the first postponement at the appellant's request of a food stamp appeal, all requests for postponement made prior to the hearing must be in writing.

2) The first postponement or continuance at the appellant's request of a food stamp appeal does not require a showing of good cause. All other requests for postponement made prior to the hearing ordinarily will be granted in advance of the hearing only when the party or representative shows that he has good cause for not appearing for that hearing for reasons such as illness or similar circumstances beyond his reasonable control.

3) At the hearing, the hearing officer may grant a request to continue the hearing when the party or representative shows that good cause exists for not proceeding with the hearing. If the request to continue the hearing is based on the unavailability of witnesses and/or documentary evidence, the hearing officer may defer ruling on the request until after the available evidence on the issues of the case has been presented.

c) Absent notice from the Assistance Hearings Section granting a postponement of the hearing, the appellant and/or his representative will be expected to appear for that hearing. If a request to postpone or continue a hearing is not granted and the appellant and/or his representative does not appear for or refuses to proceed with the hearing, the appeal will be dismissed in accordance with Section 104.60.

d) If the request for a continuance or postponement is granted, the Assistance Hearings Section shall schedule a hearing as early as is reasonably practicable and shall notify the parties of the new date, time and place of the hearing.

(Source: Amended at 15 Ill. Reg. 5320, effective April 1, 1991)