**Section 337.160 Abandonment of a Service Appeal**

a) An appellant shall be considered to have abandoned a service appeal if the appellant, the appellant's authorized representative, or an individual legally acting on the behalf of the appellant fails to appear at the fair hearing without adequate cause, has not requested rescheduling prior to the hearing, or had requested rescheduling and the request was denied (e.g., requests for continuances without adequate cause). Abandonment will constitute a waiver of the right to appeal. Adequate cause for failing to appear at a fair hearing includes, but is not limited to:

1) death in the family of the appellant or in the family of the appellant's representative;

2) serious illness of the appellant or the appellant's representative or serious illness in either person's immediate family;

3) failure of the Department to give notice of the hearing to the appellant or representative at the last known address available to the Department.

b) The Department shall reschedule those cases being continued for adequate cause as soon as reasonably convenient for the parties and the administrative law judge.