**Section 338.100 The Administrative Hearing**

a) The Administrator of the Administrative Hearings Unit may grant a request for a hearing only when:

1) the original written request for appeal was postmarked within 15 calendar days after the date of notice to the appellant that the Department has denied the appellant's application for a foster family home license; and

2) the issue is within the jurisdiction of the Administrative Hearings Unit as set forth in Sections 338.30 and 338.40 of this Part.

b) The Administrator of the Administrative Hearings Unit may dismiss a request for an administrative hearing for the following reasons only:

1) the Administrator has determined that no genuine issue of material fact exists pursuant to Section 338.90;

2) the appeal has been withdrawn in writing;

3) the appeal has been abandoned. Abandonment shall be deemed to have occurred if the appellant, the appellant's authorized representative, or an individual legally authorized to act on behalf of the appellant fails to appear at the hearing, and the appellant does not have an adequate cause for failing to appear. Adequate cause for failing to appear at an administrative hearing may include, but is not limited to:

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

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

C) transportation difficulties that make it impossible for the appellant or representative to appear at the hearing;

D) failure of the Department to give notice of the hearing to the appellant or representative at the last known address available to the Department. However, it is the appellant's responsibility to keep the Department updated on any change of address;

4) the issue is not within the jurisdiction of the Administrative Hearings Unit as set forth in Sections 338.30 and 338.40 of this Part;

5) the request for the appeal was not postmarked within 15 calendar days after the date of the notice that the application for license was denied; or

6) the appellant failed to notify the Administrator of the Administrative Hearings Unit of a change of address, and a notice of the administrative hearing cannot be delivered.

c) If the appeal is not dismissed, the appeal shall be scheduled for hearing.

d) The Department shall provide written notice of the decision to grant or deny the request for an administrative hearing within 20 calendar days after receipt of the request for an administrative hearing. If the Administrator of the Administrative Hearings Unit finds that the issue is not appealable under this Part but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 435, Administrative Appeals and Hearings, the Department shall forward the appeal to the proper hearing authority and notify the appellant of this action.

e) The Administrator of the Administrative Hearings Unit shall:

1) schedule the hearing at a date within a reasonable time period after the Administrator determines a genuine issue of material fact exists;

2) ensure that the administrative hearing is scheduled at a time and place reasonably convenient for all parties. If the parties cannot agree to a reasonably convenient time and place, the Administrator shall make this determination and proceed to schedule the hearing; and

3) provide a written notice to the appellant at least 15 calendar days before the scheduled hearing, which shall contain the following information:

A) the date, time and location of the hearing;

B) a statement that the failure of the appellant or the appellant's representative to appear at the hearing without adequate cause may be deemed an abandonment of the request, thus constituting a waiver by the appellant of the right to a hearing; and

C) a statement of the parties' rights during the appeal process.