

**5739**            **FAILURE TO APPEAR**

5739.1            If either party fails to appear at a hearing, the hearing officer may do the following:

- (a)        Postpone the hearing for up to five (5) business days;
- (b)        With the consent of both parties, reschedule the hearing for a later date;
- (c)        Make a determination that the complainant has waived his or her right to a hearing, if the complainant fails to appear. The waiver shall not constitute a waiver of complainant's right thereafter to contest DCHA's action in an appropriate judicial proceeding;
- (d)        Grant an exception if the party is able to document an emergency situation that prevented them from attending or requesting a postponement of the hearing or if requested as a reasonable accommodation for an individual with a disability.

SOURCE: Final Rulemaking at 64 DCR 12956 (December 22, 2017); as amended by Final Rulemaking published at 66 DCR 6831 (June 7, 2019).