

486—4.67(10A,88) Disqualification of member of employment appeal board or administrative law judge.

4.67(1) Members of employment appeal board or the administrative law judge may withdraw from a proceeding whenever they deem themselves disqualified.

4.67(2) Any party may request any member of the employment appeal board or the administrative law judge before the filing of the decision to withdraw on grounds of personal bias or disqualification, by filing with the employment appeal board or the administrative law judge promptly upon the discovery of the alleged facts an affidavit setting forth in detail the matters alleged to constitute grounds for disqualification.

4.67(3) If, in the opinion of the employment appeal board or the administrative law judge, the affidavit referred to in 4.67(2) is filed with due diligence and is sufficient on its face, the employment appeal board member or the administrative law judge shall forthwith withdraw from the proceeding.

4.67(4) If the employment appeal board member or the administrative law judge does not withdraw from the proceeding, the employment appeal board or the administrative law judge shall so rule upon the record, stating the grounds for so ruling and shall proceed with the hearing, or if the hearing is closed, shall proceed with the issuance of a decision, and the provisions of 4.90(10A,88) shall thereupon apply.