

481—10.17(10A) Continuances. Unless otherwise provided, application for continuance shall be made to the ALJ or to the division if an ALJ has not been assigned.

10.17(1) A written application for continuance shall:

- a.* Be made before the hearing;
- b.* State the specific reasons for the request; and
- c.* Be signed by the requesting party or their representative.

10.17(2) If the ALJ waives the requirement for a written motion, an oral application for continuance may be made. A written application shall be submitted no later than five days after the oral request. The ALJ may waive this requirement. No application for continuance will be made or granted ex parte without notice except in an emergency where notice is not feasible. The agency may waive notice of requests for a case or a class of cases.

10.17(3) Except where otherwise provided, a continuance may be granted at the discretion of the ALJ. The administrative law judge shall consider, in addition to the grounds stated in the motion:

- a.* Any prior continuances;
- b.* The interests of all parties;
- c.* The likelihood of informal settlement;
- d.* Existence of emergency;
- e.* Objection to the continuance;
- f.* Any applicable state or federal statutes or regulations;
- g.* The existence of a conflict in the schedules of counsel or parties or witnesses; and
- h.* The timeliness of the request.

The ALJ may require documentation of any ground for continuance.

This rule is intended to implement Iowa Code section 10A.801(7).

[ARC 3523C, IAB 12/20/17, effective 1/24/18]