**Section 101.510 Motions to Cancel Hearing**

a) Time to File. Unless the Board or the hearing officer orders otherwise the hearing officer may grant motions to cancel hearings that are filed no fewer than ten days or, if all parties agree to the motion, five days before the scheduled hearing date. The hearing officer may grant a motion filed after the prescribed time only if the movant demonstrates that the movant will suffer material prejudice if the hearing is not canceled.

b) Contents. All motions to cancel a hearing must state a proposed date to reschedule the hearing and must be supported by an affidavit of the person or persons with knowledge of the facts that support the motion. The affidavit must include the factual basis for the request to cancel and a complete status report that describes the progress of the proceeding and sets forth the number of cancellation requests previously granted to the movant. The hearing officer will grant the motion only if the movant demonstrates that the request to cancel is not due to the movant's lack of diligence.

c) In a proceeding with a decision deadline, the hearing officer will deny a motion to cancel a hearing if the decision deadline does not allow enough time for the Board to reschedule the hearing, provide the required notice of the rescheduled hearing, complete the hearing, and deliberate and decide the matter.

d) If the hearing officer grants a motion to cancel a hearing, the hearing officer will revise the schedule to complete the record in compliance with Section 101.612. The hearing officer also will file the revised schedule with the Clerk and serve a copy of the revised schedule on all parties in compliance with Subpart C.

(Source: Amended at 43 Ill. Reg. 9674, effective August 22, 2019)