**Section 100.100 Failure to Appear**

Failure of the Petitioner to appear at the time and place set for the Formal Hearing may be deemed a waiver of the right to present evidence or provide grounds for dismissal of the Petition for Hearing, as reflected by order of the Administrative Law Judge. After presentation by the Department of proof that the Petitioner was given proper notice and the Department has been given an opportunity to present evidence, the ALJ shall make their recommendation. If the Petition for Hearing is dismissed, the contested Administrative Decision shall become final.