



**North Carolina Industrial Commission | Deputy Commissioner Section
Continuance Policy
June 2014**

A. In order to ensure the fair and swift resolution of contested cases for claimants and employers, pursuant to Rule 609 and giving special consideration to *pro se* litigants, continuance requests shall only be granted under compelling circumstances when made well in advance of the scheduled hearing, including but not limited to the following:

1. Counsel has obtained secured leave;
2. Counsel is scheduled to appear in a court of greater jurisdiction;
3. A party or counsel is too ill to appear or cannot appear in order to care for an ill relative;
4. Counsel or a party did not receive the calendar within the time required by Commission Rules;
5. A party is added and a continuance is required to allow the added party a reasonable amount of time to prepare for the hearing;
6. A *pro se* plaintiff may be granted one continuance for the purpose of attempting to obtain counsel, so long as the plaintiff makes the motion well in advance of the scheduled hearing;
7. A *pro se* plaintiff retains counsel and a continuance is required to allow a reasonable amount of time to prepare for the hearing, so long as the plaintiff makes the motion well in advance of the scheduled hearing;
8. In order to allow for mediation under the following circumstances:
 - a. A plaintiff was *pro se*, but later obtained counsel and never went through the mediation process;
 - b. An appeal of an administrative order that never went through the mediation process;
 - c. A referral of a Medical Motion to a full evidentiary hearing that never went through the mediation process;
9. The matter could not be reached during normal hearing facility operating hours;
10. The matter was required to be continued onto a Special Sets docket;
11. A reason not herein above described, only when determined to be fair and absolutely necessary in the Deputy Commissioner's discretion.

B. All orders allowing a continuance shall state with particularity the legal and/or factual bases on which the continuance was granted.

C. All motions to remove a claim from a scheduled hearing docket shall be treated with a similar or greater scrutiny.

D. A hard copy of all orders granting continuances and removals shall be forwarded to the Chief Deputy Commissioner's legal assistant on the last day of each month.