
45 C.F.R. § 2554.14

What happens if a defendant fails to file an answer?

- (a) If a defendant does not file any answer within 30 days after service of the complaint, the reviewing official will refer the complaint to the ALJ.
- (b) Once the complaint is referred, the ALJ will promptly serve on the defendant a notice that an initial decision will be issued.
- (c) The ALJ will assume the facts alleged in the complaint to be true and, if such facts establish liability under the statute, the ALJ will issue an initial decision imposing the maximum amount of penalties and assessments allowed under the statute.
- (d) Except as otherwise provided in this section, when a defendant fails to file a timely answer, the defendant waives any right to further review of the penalties and assessments imposed in the initial decision.

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