
42 C.F.R. § 405.1028

Review of evidence submitted by parties.

(a) *New evidence*—(1) *Examination of any new evidence*. After a hearing is requested but before a hearing is held by an ALJ or a decision is issued if no hearing is held, the ALJ or attorney adjudicator will examine any new evidence submitted in accordance with § 405.1018, by a provider, supplier, or beneficiary represented by a provider or supplier to determine whether the provider, supplier, or beneficiary represented by a provider or supplier had good cause for submitting the evidence for the first time at the OMHA level.

(2) *Determining if good cause exists*. An ALJ or attorney adjudicator finds good cause when—

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