

42 C.F.R. § 426.405

Authority of the ALJ.

- (a) An ALJ conducts a fair and impartial hearing, avoids unnecessary delay, maintains order, and ensures that all proceedings are recorded.
- (b) An ALJ defers only to reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.
- (c) The ALJ has the authority to do any of the following:
 - (1) Review complaints by an aggrieved party (or aggrieved parties).
 - (2) Dismiss complaints that fail to comply with § 426.400.
 - (3) Set and change the date, time, and place of a hearing upon reasonable notice to the parties.
 - (4) Continue or recess a hearing for a reasonable period of time.
 - (5) Hold conferences to identify or simplify the issues, or to consider other matters that may aid in the expeditious disposition of the proceeding.

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