

## 137-055-2140

### Delegations to Administrative Law Judge

Administrative law judges of the Office of Administrative Hearings are authorized to do the following:

- (1) Issue final orders without first issuing proposed orders.
- (2) Issue final orders by default in cases described in OAR 137-003-0670 or 137-003-0672, except in a case authorized by ORS 416.415 or as authorized in section (3). An administrative law judge is authorized to issue a final order by default in a case authorized by ORS 416.425(5) but not in any other case authorized by ORS 416.425, unless section (4) of this rule applies.
- (3) Issue final orders by default when the nonrequesting party(ies) fails to appear for a hearing conducted under ORS 25.020(13), or issue a dismissal with prejudice when the requesting party fails to appear for a hearing conducted under ORS 25.020(13).
- (4) Issue an order dismissing a temporary modification, as defined in OAR 137-055-3430, if the party seeking a temporary modification fails to appear for a scheduled hearing, without further action by the administrator.
- (5) **Correct mistakes in hearing orders issued by OAH pursuant to ORS 180.345, including scrivener errors and substantive errors, at any time within 30 days of the issuance of the order.**
  - (a) **Orders in which scrivener errors have been corrected must be marked "Corrected Order".**
  - (b) **Orders in which substantive errors have been amended must be marked "Amended Order".**
  - (c) **Corrected and amended orders must contain notice to the parties of appeal rights as provided in ORS 416.427 and must be mailed to the parties by regular mail at the parties' contact addresses.**
- ~~(5)~~(6) Determine whether a reschedule request should be granted pursuant to OAR 137-003-0670(2), based on whether the requester's failure to appear for a scheduled hearing was beyond the reasonable control of the party.
- ~~(6)~~(7) Issue final orders granting or denying late hearing requests pursuant to OAR 137-003-0528.
- ~~(7)~~(8) Provide to each party the information required to be given under ORS 183.413(2) or OAR 137-003-0510(1).

(8)(9) Order and control discovery.

Stat. Auth.: ORS 25.020, 180.345

Stats. Implemented: ORS, 25.020, 180.345, 416.415, 416.425

Effective Date: